School of Theology at Claremont
1001 1400658



The Library

SCHOOL OF THEOLOGY AT CLAREMONT

WEST FOOTHILL AT COLLEGE AVENUE
CLAREMONT, CALIFORNIA

9089
Z5
M3

MANUAL

OF

PRACTICE AND PROCEDURE

IN THE

United Free Church of Scotland,

PREPARED BY

A COMMITTEE OF THE GENERAL ASSEMBLY,

AND PUBLISHED

BY AUTHORITY OF THE ASSEMBLY.

EDINBURGH:
OFFICES OF THE UNITED FREE CHURCH
1905.

Theological Library
SCHOOL OF THEOLOGY
AT CLAREMONT
California

Edinburgh: T. and A. Constable, Printers to His Majesty

CONTENTS.

PAGE

PREFACE, ... vii

CHAPTER I.

THE KIRK-SESSION.

SECTION I.—Its Constitution and Officials, ... 1
,, II.—Its Meetings and Procedure, ... 3
,, III.—Its Powers and Functions, ... 4
,, IV.—Election and Admission of Elders and Deacons, . 9
,, V.—Relation to Superior Courts, ... 12

CHAPTER II.

ADMINISTRATION OF TEMPORAL AFFAIRS.

PART I.—The Deacons' Court—
SECTION I.—Its Constitution and Officials, . . 14
,, II.—Its Meetings and Procedure, . . 15
,, III.—Its Powers and Functions, . . 16
,, II.—The Committee of Management—
SECTION I.—Its Constitution and Officials, . . 19
,, II.—Its Meetings and Procedure, . . 20
,, III.—Its Powers and Functions, . . 20
,, III.—The Congregational Board, ... 21
,, IV.—Congregations with a Constitution approved by a Superior Court, ... 22
,, V.—Change of Method of Administration, . . . 23

CHAPTER III.

THE CONGREGATION.

SECTION I.—Members, ... 25
,, II.—Congregational Meetings—
A. For Ecclesiastical Purposes, ... 25
B. For Temporal Purposes, ... 26
,, III.—New Congregations, ... 27

CHAPTER IV.

The Presbytery.

PAGE

Section I.—Its Constitution and Officials, ... 29
„ II.—Its Meetings and Procedure, ... 31
„ III.—Its Powers and Functions—
Division I.—Department of Original Action, . 36
„ II.—Department of Review, . . . 57
„ III.—Special Relations to Superior Courts, ... 61

CHAPTER V.

The Provincial Synod.

Section I.—Its Constitution and Officials, ... 66
„ II.—Its Meetings and Procedure, ... 67
„ III.—Its Powers and Functions, ... 70

CHAPTER VI.

The General Assembly.

Section I.—Its Constitution, ... 72
„ II.—Its Powers and Functions, ... 74
„ III.—Committees of Assembly, ... 76
„ IV.—The Commission of Assembly, ... 77

CHAPTER VII.

Church Discipline.

Section I.—Of Discipline in general, and the Different Kinds of Church Censure, ... 79
„ II.—Rules which are common to Sessions and Presbyteries as Primary Courts of Discipline, . . 81
„ III.—Rules for the Exercise of Discipline in the Case of Members of the Church, ... 87
IV.—Rules for the Exercise of Discipline in the Case of Ministers, Elders, and Probationers, . . 88
„ V.—Rules for the Exercise of Discipline in the Case of Professors, ... 94

PAGE

SECTION VI.—Powers and Functions of the General Assembly in Cases of Discipline; and of Presbyteries and Provincial Synods as Courts of Review in such Cases, ... 95

„ VII.—Supervision and Restoration of Persons under Church Censure, ... 95

CHAPTER VIII.

PROCEDURE.

SECTION I.—Petitions and Memorials, ... 100

„ II.—Overtures, ... 101

„ III.—References, ... 103

„ IV.—Appeals and Complaints, ... 103

„ V.—Order of Procedure, ... 105

„ VI.—Dissents without Complaint, ... 108

APPENDIX I.—Acts of the General Assembly of the United Free Church of Scotland, ... 111

„ II.—Standing Orders and Committees of the General Assembly, ... 154

„ III.—Acts and Documents referred to in Rules, or important for information, ... 177

„ IV.—Property, ... 213

„ V.—Specimens of Minutes and Extracts, . . . 240

„ VI.—Forms, ... 263

INDEX, ... 278

PREFACE

THE Churches which by their union in October 1900 formed the United Free Church of Scotland, had each a volume containing details of the procedure employed in conducting the business of the Church in its different courts. The "Practice of the Free Church of Scotland" was drawn up under the direction of a Committee of Assembly, who say that they had "endeavoured to indicate what appears to be the approved practice in each of the Courts." The General Assembly in issuing the work "authorised it as a useful guide, but declared that they did not propose to decide authoritatively any controverted point" by means of it. On the other hand the volume of "Rules and Forms of Procedure of the United Presbyterian Church" was clothed with Synodical authority as a legislative declaration of the manner in which the business of the Church was to be carried on. During the negotiations which preceded the Union differences of practice in points of detail emerged, several of which were under the consideration of the Union Committee, and were settled for the United Church by the "Plan of Union." But it was felt at once to be essential to the smooth and harmonious working of the new organisation that the same sort of guidance which had been furnished for the separate Churches by the volumes referred to should be provided for the United Church by a similar publication. A Committee was accordingly appointed by the Assembly of 1901 "for revising Rules and Forms of Procedure." The circumstances, of course, demanded that this instruction should be taken in its widest sense as embracing not merely a revision of one or other of the previously existing publications, but also the revision of the rules themselves, in so far at least as the practice of the two Churches had differed.

The result of the Committee's work, which has been submitted before final approval to the Presbyteries of the Church, is

contained in the succeeding chapters. They have endeavoured to describe as fully as possible, first of all, the organisation and procedure of individual congregations. For though these are dependent in several respects upon the superior Courts, yet they form logically the foundation of the whole structure. The members of the Congregational Courts are representatives of the congregation, elected by them to their office. The chapters which follow describe the powers and duties of the Presbytery and Provincial Synod, leading up to that which indicates the functions of the Supreme Court of the Church, the General Assembly, which again is followed by a Chapter describing in detail the procedure to be observed in cases of discipline. The concluding chapter indicates general rules common to all the Courts.

The Appendix contains Documents, Acts of Assembly, and various Regulations which frequently require to be referred to in course of procedure, together with information as to the General Assembly's Committees and specimen Styles for various Minutes and formal Documents. These Styles are not to be regarded as obligatory, but only as specimens of what is suitable in ordinary circumstances.

It is hoped that the volume will prove a sufficient guide both to the Courts and to the individual members of the Church in the discharge of their duties and the care of their interests. It will serve also to exhibit the developed working of the Presbyterian System, which our forefathers established on the great fundamental principles laid down in the New Testament for the Church of Christ. The Christian Society throughout the world was to be a brotherhood of mutual service, according to the gifts bestowed on each member of it. There was to be no exercise of lordship or authority by individuals; no blind deference to be paid to any one on earth, as teacher, or father, or master. On these principles Presbyterianism was founded, and what was claimed for it at first, and may be claimed for it still, is that it conserves on the one hand the unity, order, and discipline of a well-constituted Church, and on the other hand the rights and privileges of an intelligent and spiritually-minded Christian people.

CHAPTER I.

THE KIRK SESSION.

SECTION I. *Constitution and Officials.*

1. The Kirk Session of a congregation (hereinafter designated "the Session") consists of its minister or ministers and ruling elders.

Admission to Office.

2. The ruling elders are elected by the members of the congregation who are in full communion, and they are ordained and admitted by the Session: the minister is ordained and inducted by the Presbytery, and he is directly accountable to it for the discharge of all the duties of his office.

Tenure of Office.

3. The elders are elected for life, and hold office till they cease to be members of the congregation, or their resignation is accepted, or they are deposed or otherwise removed from office. If an elder has absented himself from the meetings of the Session for a year without due cause, the Session may, after giving him notice for his interest, find that he has ceased to be one of its members. Elders are, as all other members of the congregation, under the jurisdiction of the Session.

Number of Elders.

4. It belongs to the Session to determine the number of elders required by the circumstances of the congregation, and when it is expedient to call upon the congregation to elect additional elders. (See Sect. IV., page 9.)

Moderator.

5. The minister is the moderator of the Session. At the first meeting of Session after the date of his admission to office by the Presbytery a certified intimation of his admission forwarded by the Presbytery clerk is read and entered in the minutes. If there are two ministers in a congregation they preside alternately, or as agreed between them, or as appointed by the Presbytery. The minister not presiding sits and votes as an ordinary member, unless it is otherwise authoritatively regulated.

6. In the absence of the moderator any other minister of the Church may, if deputed by him, preside *pro tempore*. No meeting of Session can be held without the presence of the moderator or of a minister deputed by him to act *pro tempore* or appointed as *interim* moderator by the Presbytery or a superior Court.

Duties of Moderator.

7. The duties of the moderator are, to convene the meetings of Session; to preside thereat; to constitute and close each meeting with prayer; to see that the business is properly ordered and recorded; to take the vote and announce the decisions of the Session; to act for the Session in administering

censure and in carrying out its decisions in such matters as properly belong to the pastoral office. The moderator has a casting vote, but no deliberative vote; he may, however, introduce any business to the Session and address it thereanent. In common with other members he has the right of dissent and complaint against any decision. (See Chap. VIII., Sec. IV., page 103.) He is not responsible to the Session for the discharge of his ministerial functions; but if he seem to neglect these, or to encroach upon the functions of the Session, the Presbytery may be petitioned to intervene.

Clerk

8. The Session appoints a clerk, whose duty is to take regular minutes of the Session's procedure and engross the same in a permanent record, to take charge of all sessional documents, and to prepare and issue all extracts of minutes and papers authorised by the Session. In his absence from any meeting the Session appoints a clerk *pro tempore*, whose appointment must be recorded in the minute. Each minute, when approved, must be signed in the permanent record by the clerk, as "clerk," or "clerk *pro tempore*." Failing the appointment of a clerk, it devolves on the moderator to perform the duties, and he signs as "moderator and clerk."

Treasurer.

9. If necessary, the Session appoints a treasurer to take charge of funds at its disposal.

Officer.

10. The Session appoints an officer or beadle who waits upon its meetings and executes its orders. He must be a member of the congregation in full communion, or be one whom the Session is prepared to admit to membership. Suspension from membership carries with it suspension from office. The same person may also be in charge of the place of worship. (See Chap. II., Part I., Sec. I. 8, page 15, and Part II., Sec. III. 2, page 20.)

Provisional Session.

11. In the case of preaching stations and new congregations the Presbytery appoints a suitable number of elders, with a moderator who must be a member of Presbytery, who has been ordained to the ministry, to act as a Session. When a congregation has been duly sanctioned as a full ministerial charge, it is the duty of such provisional Session to take steps for the election of a Session by the congregation. In the event of there not being, from any cause, a sufficient number of ruling elders in a duly sanctioned congregation available to form a quorum, the Presbytery appoints one or more of its own number as assessors to act as members of the Session till a new election has taken place and a Session has been regularly constituted.

SECTION II. *Meetings and Procedure.*

Quorum.

1. Unless the moderator or his substitute be present, no meeting of Session can be held. Three form a quorum.

Mode of Convening.

2. The Session is legally convened under the authority of the moderator, or the order of a superior Court, either by public intimation from the pulpit, or by personal notice given to each member. Such notice is held sufficient if a reasonable

time be allowed by it for the attendance of all the members. The moderator is bound to call a meeting when requested by one-third of the elders. No meeting of Session can be held, except in connection with the administration of the sacraments or for urgent business, at the time of an ordinary meeting of a superior Court without the leave of that Court.

Adjournment.

3. The Session may, if it see cause, adjourn to complete unfinished business to a time which must be fixed when the adjournment is made. In that case, unless the adjournment is to a later hour of the same day, care should be taken that intimation is given to all the members either *apud acta* or in one or other of the prescribed ways of calling a meeting. When intimation has been thus given the Session may take up any business with which it is competent to deal.

Opening and Closing.

4. Meetings of Session are opened and closed with prayer, and both facts must be minuted. No extract from the minutes can be regarded as sufficient which does not bear that the Session was constituted, and which is not certified by the session-clerk as having been extracted by him from the records of the Session.

Minutes.

5. Immediately after the Session has been constituted the minutes of the previous meeting (or meetings) should be read and the judgment of the Session, approving or correcting them, ought to be recorded. The approval or correction of the minutes does not imply any power to alter the acts or decisions of the meeting: the only question is the correctness of the minutes, as a true account of what was done.

If the minute of a former meeting has been engrossed in the permanent record, it should be signed, when approved, by the moderator and the clerk in presence of the Court; if in the form of a draft-minute it should, when approved, be initialed by the moderator and the clerk in presence of the Court, and afterwards engrossed in the permanent record, and signed by the moderator and the clerk.

If in engrossing a minute in the permanent record the clerk finds it necessary to correct any mistake made *per incuriam*, he shall make the correction on the margin, and attest it by his initials. If words have to be added, these are placed in the margin with a *caret* (∧). If words have to be deleted, the pen is drawn through them, and the marginal entry states in words (not figures) the number deleted. When the minute is engrossed before being approved, the rule as to corrections made by the Court is the same as that regarding such corrections made by the Presbytery on its minutes. (See Chap. IV., Sect. II. 10, page 33.)

When from any cause a moderator or clerk cannot sign a minute which requires his signature, the Court shall appoint such minute to be signed by its authority; and the person appointed to sign such minute shall append to his signature the date of the minute authorising him to sign it.

Sederunt.

6. Besides recording the constituting and closing of the Session, and approval of the minutes of the previous meeting (or meet-

ings), the minutes must record the names of all members present, and the several decisions come to, with any dissent or protest. (For directions as to dissent and protest, see Chap. VIII., Sects. IV. and VI.) The record of the Session is in the custody of the clerk, and no one other than a member of the Court is entitled to see it. The Session is bound to furnish extracts from its minutes to parties in causes before it; but extracts cannot be given by the clerk without the leave of the Court.

Extracts.

Relation to other Sessions.

7. No Session is entitled to interfere with, or review the action of, another Session. It may make friendly communication to another Session regarding any action of which it thinks it has cause to complain; but if not satisfied, it can proceed further only by referring the matter to its own Presbytery.

Meetings usually private.

8. The meetings of Session are not usually open to the congregation. In many of the matters which come before the Session, it is necessary to proceed with great circumspection, especially in handling matters of discipline affecting the good name of members of the congregation; and in dealing with such matters strict privacy ought to be observed. The Session may hold open meetings when it sees cause. It may also invite the presence of the deacons or managers for their advice and assistance; but in all cases the Session must determine its action by the vote of its own members.

9. In any matter of procedure not provided for by these directions a discretionary power is left to Sessions, which may find guidance in the corresponding procedure applicable to superior Courts.

SECTION III. *Powers and Functions.*

1. The Session exercises rule ministerially under Christ in all matters affecting the spiritual well-being and order of the congregation.

Administration of Ordinances.

Conduct of Public Worship.

2. It belongs to the Session in concurrence with the minister to regulate the hours and the forms or modes of public worship, while for the proper conduct thereof the minister is responsible to the Presbytery. The Session also appoints and provides for the administration of Baptism and the observance of the Lord's Supper. In addition to the stated church services the Session may appoint such occasional or special services as it judges desirable. It is the duty of the minister to see that such appointments by the Session are suitably carried out. The Session may appoint collections for special religious or charitable objects other than those appointed by the General Assembly or other competent authority. The Session also regulates the time and mode of taking collections in connection with public worship.

Administration of the Sacraments.

Collections.

Leader of Praise.

3. The leader of praise must be, or become, a member of the Church in full communion, or be one whom the Session is prepared to admit to membership; and in every case is subject to the discipline of the Session. The formal appointment rests with the Session, which must be satisfied as to the Christian

character of any applicant before he is recognised as a candidate. The Session may dismiss the leader of praise if dissatisfied with his character or conduct, or with his behaviour or efficiency in the discharge of his duties. Suspension from church privileges vacates the office. Resignation of office is given in to the Session. In the conduct of public worship the leader of praise is under the direction of the minister. Diversity of practice prevails in the mode of electing a praise leader, and it belongs to the Session to determine the mode of election, and also the mode in which the appointment may be terminated. (For regulations prior to the Union, see Appendix III., No. v., page 201.)

Baptism.

4. The ordinance of baptism should be administered during public worship; and parents ought to bring their children to the house of God for this purpose; but the Session may, where it sees cause, authorise the administration of baptism elsewhere than in the Church. It is the duty of the Session to see that all the children of church members are baptized without unnecessary delay; and in this matter, a special obligation lies on each elder to have a watchful oversight of the families in his district.

5. Baptism is to be administered to adults upon their profession of faith in Christ and obedience to Him, and to the children of parents, one or both of whom are members of the Church. Baptism may also be administered to orphans, and to such children as have been received into Christian households or whose upbringing has been undertaken by members of the Church, when the Session is satisfied that those desiring baptism for them are in a position to fulfil their baptismal vows.

Lord's Supper

6. The Session appoints and intimates the time and place for the observance of the Lord's Supper, and makes provision for it. A *quorum* of Session must always be present at the dispensation of the ordinance; and this applies also to cases where the communion is dispensed in the homes of sick and aged members of the Church. Only members in full communion are entitled to participate; but the Session may grant occasional communion to members of other churches who desire to join in it, when nothing is known concerning them inconsistent with their profession as members of the Church of Christ.

Oversight of Church Members.

Roll of Members.

7. With a view to the spiritual oversight of a congregation by its Session, it is necessary that an accurate roll be kept of the members in full communion, which must be corrected from time to time as changes in the membership occur, so as at any time to show who are entitled to be on it. This roll ought to be carefully revised at least once each year. In congregations whose property is held under the "Free Church Model Trust Deed," the communion roll, or a certified copy thereof, revised by the Session, and signed by the moderator and clerk,

must be sent to the Presbytery of the bounds each year for attestation. Before any meeting for the election of a minister, the Session is required to make up a roll of those in full communion, such alone being entitled to vote. Due intimation should be given at a diet of public worship when this has been done, that members may have the opportunity of ascertaining that their own names are duly inserted. This roll, as finally adjusted and attested by the Session, must be laid before the Presbytery. (See Chap. IV., Sect. III., Division i. 15, page 41.)

Elders' Districts.

8. The Session should arrange for the division of the congregation into convenient districts, and appoint one or more of its members to have special spiritual oversight of each district. Each elder ought to have a correct list of all those thus entrusted to his charge, members and adherents, and to report to the Session regarding them; it is his duty to visit the families in his district as their spiritual overseer, specially the aged and those in affliction, to care for the young, and to deal privately and tenderly with any who are neglecting public worship, or are under discipline.

Admission of Members.

9. The admission of members to the congregation belongs to the Session. They are admitted by certificate if already members of the Church, or upon profession of their faith. In the case of those bringing regular certificates from other congregations, it is usual, where no good reason for acting otherwise is known to the Session, to add their names at once to the roll of communicants. Persons who have been in church fellowship but whose certificates have not been granted recently, or who have lost them, or who have fallen out of church membership may be received into full communion by the Session on its being satisfied with their profession and character. In the case of those desiring admission into the fellowship of the church, it is the duty of the Session to satisfy itself as to their profession of faith in Christ, their knowledge of the cardinal doctrines of Christian belief and the nature and significance of church ordinances; also to make proper inquiry to ascertain that, so far as known, their outward life is consistent with their profession. The instruction and preparation of young communicants is the special duty of the minister. The Session must take care that such as are ignorant or scandalous be not admitted to church membership till it is satisfied as to their knowledge and repentance. It is necessary to ascertain whether applicants for admission to church membership have been baptized, and if they have not been baptized, admission to the fellowship of the Church must be by baptism. (For suggested questions to applicants, see Appendix VI., No. I., page 263.)

Certificate of Disjunction.

10. A member desiring to leave one congregation and to connect himself with another is entitled, on application, to a certificate of disjunction from the Session, unless he is under discipline, or unless there are matters connected with his conduct as a member of the church which seem to the Session to call for inquiry. In this latter case he has a right to demand that inquiry be immediately entered upon, and brought to a

conclusion without unnecessary delay. (For form of disjunction certificate see Appendix VI., No. II., page 263.)

11. It is the duty of the Session to see that members leaving the congregation are furnished with disjunction certificates. Letters of introduction should also be granted to adherents leaving. When members or adherents leave without such certificates or letters of introduction, it is the duty of the Session to intimate their removal to the convener of the "strangers' committee" in the place to which they have gone, or to a minister in the district. It is strongly recommended also that similar intimation be given of the granting of disjunction certificates and letters of introduction. Those receiving such certificates, letters of introduction, or intimations, should acknowledge receipt of them to the Session from which they have come.

Supervision of Societies.

12. All societies or associations of members or adherents in connection with the congregation are under the supervision of the Session; and no society or association can be sanctioned as congregational without first receiving the approval of the Session.

Care of the Young.

Roll of Young.

13. All baptized young persons in the congregation, being members of the Church not in full communion, have special claims to supervision and care. Their names should be entered in a roll kept by the Session; and each elder should endeavour to make himself acquainted with the young in his district, and to promote their spiritual welfare.

Young Persons Leaving.

14. Young persons not in full communion on removing to another locality should be furnished with an introduction to the minister or session-clerk of a congregation there, or if there be in the locality a "presbyterial committee anent young persons removing," or "a strangers' committee," the introduction may be addressed to its convener, and when young persons leave without such introduction, the Session, so far as practicable, is to send notice regarding them to a minister or session-clerk, or to the convener of such committee. Those to whom such introductions are delivered should be careful to acknowledge receipt of them to the Session that has furnished them.

Sabbath Schools.

15. It is the duty of the Session to see that parents attend to the godly upbringing of their children, and to aid them in this work by instituting a Sabbath school. These schools are not intended to relieve parents of the duty of themselves instructing their children in the Scriptures and in Christian truth. All Sabbath schools are under the supervision of the Session, which should take a particular interest in them, and use means to promote their efficiency by visitation and otherwise. Teachers should be persons of intelligence and piety, and, if possible, members of the Church, and their appointment should have the concurrence of the minister and Session. For the benefit of those more advanced there should also be Bible classes under the charge of the minister or other qualified persons.

16. In dealing with the young care should be taken to set before them what is implied in their having been baptized, and the claim which the Saviour has upon them to make public profession of His Name.

Mission Work.

Oversight by Session.

17. It is the duty of the Session to take oversight of the mission work undertaken by the congregation within its own district, or such district as may be assigned to it by the Presbytery, and to encourage and direct the members of the congregation in all suitable methods for the ingathering of the ignorant and careless around them. Where any special agents are employed, these are subject to the authority of the Session. Where there is no deacons' court the Session may provide the funds needed for such mission purposes by special collection, or otherwise as it may arrange.

Sealing Ordinances in Mission Stations.

18. The Session of a congregation which conducts a mission station is empowered, on obtaining the sanction of the Presbytery, to dispense sealing ordinances to such persons worshipping in the station as may on examination be found qualified. These persons are under the spiritual oversight of the Session of the parent congregation, their names being kept on a separate communion roll. On leaving, they are entitled to a certificate of standing as in full communion with the United Free Church.

Contributions for Missions.

19. Every congregation, being an association of Christ's servants enjoined to spread His Gospel among men, is on that account a missionary society, and it is the duty of the Session to see that it is contributing, according to its ability, to the mission funds of the Church. For this purpose there ought to be in each congregation an organisation to take up regular contributions from the members for missionary purposes. Collections and contributions for the various mission funds, and for congregational purposes should be kept distinct. Contributions to the schemes of the Church should, as far as possible, be remitted quarterly to the general treasurer, with distinct indication of the particular scheme or mission for which each contribution is intended. It is the duty of the Session to see that the members of the congregation are fully informed, through circulation of the *Missionary Record* and otherwise, of the work of the Church, and of its claims upon them.

Other Rights and Duties.

Schemes of the Church and Care of Poor.

20. Where there is no deacons' court or congregational board, the duties of the deacons' court in connection with the schemes of the Church and the care of the poor devolve on the Session. (See Chap. II., Part I., Sect. III. 1, page 16, and 15, page 18.)

Use of Church Buildings.

21. As the minister is allowed, subject to his Presbytery, a large discretion in the methods of his ministry, the place of worship and other ecclesiastical buildings belonging to the congregation are at his disposal for the purposes of his office. He can use them, and grant permission to use them, for all purposes

connected with the congregation or any of its organisations; and for purposes which are of a religious, ecclesiastical, or charitable nature, though not connected with the congregation. But he cannot use them, or grant permission to use them, for any other purpose not connected with the congregation, without the acquiescence both of the Session, and of the deacons' court, or committee of management, or congregational board. On the other hand, neither the Session, the deacons' court, nor the congregational board can use them, or grant permission to use them, for any purpose whatever without the minister's consent. Nor can the managers use or grant the use of such buildings for any purpose, without the acquiescence of the minister and the Session. Provided always that in congregations where provisions are made, either in a constitution approved by the Presbytery or in the title-deeds of the church or meeting house of the congregation, with regard to the use of the church buildings which differ from what is here stated, the provisions of such constitution or title-deeds shall remain in force to the exclusion of this rule in so far as it differs from these provisions, unless these provisions shall be competently altered by the congregation.

SECTION IV. *Election and Admission of Elders and Deacons.*

Election of Elders.

1. The Session determines the number of elders required for the oversight of the congregation, and the time when a new election is to take place. The right of voting in the election of office-bearers is vested exclusively in the members of the congregation in full communion.

Intimation of Election.

2. When the Session has resolved that it is expedient to have an election of elders, and has fixed the number to be elected, and the date of election, due intimation thereof must be made at the time of public worship, on the two successive Sabbaths preceding the date of election. It is desirable to give the congregation even earlier intimation of an intended election so that the members may have time to inquire regarding persons suitable for the office, who must be members of the congregation in full communion and have attained the age of twenty-one years. Opportunity should be taken to direct the attention of the congregation to the Scriptural qualifications required for the office of the eldership.

Mode of Election.

3. The election of elders may be made in any one of the three following modes, viz. (*a*) At a congregational meeting held in presence of the Session *for the purpose of making an election*; (*b*) At a similar meeting held *for the purpose of nominating persons for the office*, to be voted upon if necessary by voting papers; (*c*) By *sealed lists*. The Session determines in which of these ways the election shall be made; and gives directions to the members accordingly when intimating that the election is to be made.

(*a*) When mode (*a*) is followed, intimation is made on at least two Sabbaths immediately preceding the meeting, that a congregational meeting will be held *for the purpose of*

making an election of elders. The moderator of Session or an ordained minister of the Church authorised by him presides and opens the meeting with devotional exercises. The names proposed and seconded are taken down. After full opportunity has been given for proposing names, the moderator asks three times whether any additional names are to be proposed, and none being proposed he declares the leet closed. If the number on the leet does not exceed the number of elders required, the moderator thereupon declares them elected to the office of the eldership. If the number on the leet exceeds the number required, the moderator engages in prayer for the Divine guidance in the election; and the names are submitted successively to the meeting in the order in which they have been nominated, and are voted upon by the meeting. No member can vote for more than the number for which the congregation is asked by the Session to vote. Those to the number required, having the highest number of votes, are declared to be elected.

(*b*) When mode (*b*) is followed intimation is made on at least two Sabbaths immediately preceding the meeting, that a congregational meeting will be held *for the purpose of nominating persons for the office of the eldership; with certification that if the number nominated does not exceed the number required, those nominated will be declared to be elected, and that if the number nominated exceeds the number required, a vote of the congregation on those nominated will be taken by means of voting papers.* The moderator of Session or an ordained minister of the Church authorised by him presides, and opens the meeting with devotional exercises. The procedure at the meeting is the same as under mode (*a*) down to the point of declaring the leet closed. If the number on the leet does not exceed the number of elders required, the moderator thereupon declares them elected to the office of the eldership, as under mode (*a*). If the number on the leet exceeds the number of elders required, the moderator engages in prayer for the Divine guidance in the election, and the meeting is closed. The Session thereafter causes voting papers to be prepared and distributed to the members of the congregation, containing the names of those on the leet arranged in alphabetical order, together with full instructions as to marking, signing, and returning the voting papers on or before a time appointed by the Session. The voting papers are examined, and the votes are counted by the Session; and those to the number required who have the largest number of votes are declared to be elected, and the result is intimated to the congregation.

(*c*) Where mode (*c*) is followed the Session by intimation made from the pulpit requests the members to give in *sealed* or *closed* lists containing the names, to a number not exceeding that which the congregation is asked to vote for, of

members of the congregation in full communion whom they desire to be elected; each list being duly signed by the member or members voting by it, and being given in at the place and by the time fixed by the Session. The lists are opened and examined, and the votes counted by the Session; and those to the number required who have the largest number of votes are declared to be elected; and the result is intimated to the congregation.

The Session, when intimating the number of elders required, may call upon the congregation to vote for a number as nearly as may be one-half more than the number required; as six when four, or eight when five are required. If this is done, those to the number required who have the highest number of votes, whatever mode of voting is followed, shall be held to be elected; but should the election of any of them not be sustained, or should any decline to accept office, the next highest shall be held to be elected, provided the Session judges that a sufficient number of votes has been given for him; and so on, if necessary, until the whole number for which the congregation has been asked to vote is exhausted. Or should the Session judge it advisable, it may, when the result of the vote is ascertained, at once declare to be elected those for whom most votes are given, up to the number for which the congregation was asked to vote.

Qualifications of Elders Elect.

4. The Session judges of the qualifications of those elected before sustaining their election. No one can be admitted as a ruling elder if the Session be not satisfied with his qualifications, unless its judgment be reversed by a higher Court. When the Session is satisfied as to the fitness of the persons elected and has sustained their election, it deals with them in regard to their acceptance of office; and on obtaining their acceptance appoints the time of their ordination or admission.

Edict.

5. The session-clerk prepares an edict to be read from the pulpit on two Sabbaths giving intimation that if any person have objection to the life or doctrine of any of those proposed to be ordained or admitted, such objection must be given in to the Session at a meeting duly intimated in the edict, to be held not less than seven free days after the edict is first served, with certification that if no objection be given in and substantiated at the time and place of which notice is given, the Session will proceed with the ordination or admission at the time appointed for it. (For form of edict, see Appendix VI., No. III., page 263.)

Objections.

6. At the time and place intimated in the edict the Session meets to receive any objection which may be offered. The edict having been returned, certified as having been duly served, the Session intimates that it is prepared to hear objections. Any objection made must refer to the life or doctrine of the elder elect. If any objection is made, and forthwith substantiated, or if the Session judges that further inquiry is necessary, the Session does not proceed to the ordination or admission of the person objected to, but deals

with the charge. Objections which in the judgment of the Session are frivolous or unsupported by evidence are to be set aside, and the ordination, or admission to office, proceeded with.

Ordination.

7. The ordination and admission to office take place in presence of the congregation, at a diet of public worship. The Session having been constituted, the moderator narrates the steps that have been taken, and puts the prescribed Questions. On receiving satisfactory answers, he admits to office in the congregation any who have already been ordained to the eldership, and ordains by prayer and admits to the office of ruling elder in the congregation those not previously ordained, commending them to the grace of God for the work to which they are appointed; the right hand of fellowship is given by the moderator and other members of Session to the newly admitted elders, and the service is concluded with suitable exhortations to them and to the congregation. After the close of public worship, the newly ordained and admitted elders sign the Formula, have their names added to the roll, and take their seats in the Session. (For Questions and Formula see Appendix I., page 120.)

Election of Deacons.

8. The Session determines when it is expedient to have an election of deacons, and what number is required. The Session exercises precisely the same functions with reference to the election and ordination or admission of deacons as in the case of elders. The procedure is also the same; but for elders and deacons the Questions and Formula are different. When an election is in view, an early opportunity should be taken to direct the attention of the congregation to the Scriptural qualifications necessary for the office of deacon. It is not desirable that a vote for election of elders and deacons be taken at the same time. (For Questions and Formula see Appendix I., page 121.)

9. Minutes of all proceedings in connection with the election, ordination, and induction of elders and deacons must be recorded in the minute-book of the Session.

SECTION V. *Relation of Session to Superior Courts.*

Review by Superior Courts.

1. The Session is subject in all its proceedings to the review and directions of the Presbytery and superior Courts of the Church, and the minute book of the Session is to be submitted to the Presbytery, Synod, or Assembly when called for. The Session is charged with carrying out the decisions of the superior Courts in matters within its province, and furnishing to them such information as they may call for.

Access to Superior Courts.

It has direct access to the Presbytery by memorials, petitions, and references, and through the Presbytery to the higher Courts. The Session is the only channel through which members have right of access to the higher Courts of the Church. (See Chap. VIII., Sect. I. 2, page 100.)

Representation in Presbytery and Synod.

2. Immediately after each General Assembly the Session elects one of its members to represent it in the Presbytery and Synod of the bounds for one year; or, where the membership of the congregation is four hundred or upwards, as returned by the Session as at 31st December preceding, two of its members. This election must take place within two calendar months after the close of the Assembly. It is the duty of the Presbytery clerk to remind session-clerks of the need of an election in cases where it has not been made within one month after the Assembly. In the event of a representative elder ceasing to be a member of Presbytery before his commission expires, a successor may be elected within one month thereafter. The former representative of the Session remains a member of Presbytery, but for not more than two months, till his successor has been elected. The session-clerk must furnish a representative elder with an extract minute of his commission, without which he cannot take his seat in Presbytery or Synod.

3. When a Session entitled to elect only one elder has not in its own number one who can conveniently attend the meetings of Presbytery and Synod, it may elect as its representative a member of any other Session within the same Presbytery. Besides his commission from the Session electing him as its representative, such member must also be furnished with a certificate from the Session of which he is a member that he is a *bona fide* acting elder.

4. An elder elected by a Presbytery as one of its representatives to the General Assembly requires a certificate in the form appointed by the Assembly from the Session to which he belongs. (For form of certificate see Appendix VI., No. XVII. 4, page 271.)

CHAPTER II.

ADMINISTRATION OF TEMPORAL AFFAIRS.

Introductory.

In some congregations, chiefly those which were formerly Free Church, the temporal affairs are administered by the deacons' court. In others, chiefly those which were formerly United Presbyterian, the temporal affairs are administered by a committee of management, the members of which are usually termed managers. In several the temporal affairs are administered by a body consisting of the minister or ministers and the elders of the congregation, together with a certain number of members elected to hold office for a specified period. Regulations for each of these three methods are given in this chapter. Some congregations have constitutions containing provisions for the administration of their temporal affairs varying from those contained in this chapter; and provision is made for their case.

Part I. The Deacons' Court.

Section I. *Constitution and Officials.*

Constitution.

1. The deacons' court of a congregation consists of its minister or ministers, its elders, and deacons—the deacons being men elected and ordained to office for the purpose of administering the temporal affairs of the congregation.

Election and Admission.

2. The Session determines when it is expedient to have an election of deacons, and the number required. They are elected by the members of the congregation in full communion, and are ordained and admitted by the Session. The number of deacons ought to be suitable to the size and circumstances of the congregation.

Tenure of Office.

3. A deacon is elected for life, and holds office till he ceases to be a member of the congregation, or his resignation is accepted, or he be deposed or be otherwise removed from office. If a deacon has absented himself from the meetings of the court for a year without due cause, the Session may after giving him notice for his interest, declare that he has ceased to be a member of the deacons' court. Deacons are, as all other members of the congregation, under the jurisdiction of the Session.

Chairman.

4. The minister, or the *interim* moderator of Session, presides in the deacons' court when he is present. In his absence any other member of the court may be chosen to preside. If there are two ministers they preside alternately, or as agreed between

them, or as appointed by a superior Court. The minister not presiding sits and votes as a constituent member of the court, unless it is otherwise authoritatively regulated.

Duties of Chairman.

5. It is the duty of the chairman to see that each meeting is opened and closed with prayer, and that the business is properly ordered and recorded; and to take the vote and announce the decisions of the court. The chairman may introduce any business at the deacons' court, and may address the members regarding it. He has a casting vote, but no deliberative vote.

Clerk.

6. The deacons' court appoints a clerk, whose duty it is to take regular minutes of the proceedings and engross the same in a permanent record accessible to the members of the court at all reasonable times, to take charge of such of its papers, books, and documents as are not entrusted to the custody of a treasurer, and to prepare and issue all extracts of minutes and papers authorised by the court. In his absence from any meeting, the court appoints a clerk *pro tempore*, whose appointment must be recorded in the minute. Each minute, when approved, must be signed in the permanent record by the clerk or the clerk *pro tempore*.

Treasurers.

7. The court appoints one or more treasurers of the various funds under its charge. It is an approved practice that one be appointed for the contributions to the Sustentation Fund exclusively, which he remits immediately on receipt to the general treasurer of the Church. It is expected that this treasurer keep a register embodying the contents of the deacons' and collectors' books, so as to enable him to judge at all times with respect to the condition and working of the arrangements in the congregation for obtaining contributions.

The court also appoints a treasurer of the congregational fund, who keeps a congregational cash-book, in which he enters all moneys received and payments made. All money received by this treasurer is to be lodged by him in a public bank of known credit, in a separate account identifying it as belonging to the congregation. The deacons' court may require the bank pass-book to be exhibited to it at any meeting.

Church-officer

8. An officer is appointed by the deacons' court to be in attendance at the time of its meetings. He also takes charge of the place of worship in accordance with instructions given him. Usually the same person is appointed by the Session as its officer.

Section II. *Meetings and Procedure.*

Meetings.

1. The deacons' court ought to meet at least once a month. The number of meetings however must depend, in some measure, on the circumstances of the congregation.

Quorum.

2. Three members of the court form a quorum. The presence of the minister is not necessary for this purpose.

Mode of Convening.

3. The deacons' court is convened by intimation from the pulpit, or by personal notice to the members. Such notice is held sufficient, if a reasonable time is allowed by it for the

attendance of the members. It is called by authority of the minister, or at the requisition of any three members—said requisition being addressed to the minister. When there is a vacancy in the pastoral charge, it is called by the clerk of the court, to whom any requisition must be addressed.

No meeting of the deacons' court can be held at an hour when the Session is sitting, nor, except for urgent business, at the time of an ordinary meeting of any superior Court of the Church without the leave of that Court.

Opening and Closing.

4. Meetings of the deacons' court are opened and closed with prayer, and both facts must be minuted. No extract minute can be received which does not bear that the deacons' court was constituted, and which is not certified by the clerk as having been extracted by him from the records of the court.

Minutes.

5. Immediately after the deacons' court has been constituted, the minutes of the previous meeting should be read, and the judgment of the court, approving or correcting them, ought to be recorded. That judgment refers only to the correctness of the minutes as a true account of what was done. The provisions for correction and authentication of the minutes are the same as for the Session (see Chapter I., Section II. 5, page 3).

6. Besides recording the constituting and closing of the deacons' court, and the judgment on the minutes of the previous meeting, the minutes must record the names of all members present, and the several decisions come to, with any dissent or complaint.

Adjournment.

7. With reference to the question of an adjournment from one sederunt of the deacons' court to another, the same principle applies that regulates adjournment of a meeting of Session (See Chap. I., Sect. II. 3, page 3.)

Meetings usually private.

8. The meetings of the deacons' court are not usually open to the congregation; but the deacons' court may hold open meetings if it see cause.

SECTION III. *Powers and Functions.*

Management of Property and Temporal Affairs.

1. The deacons' court has the management and charge of the whole property belonging to the congregation or held for the congregation's use by trustees appointed in terms of deeds which the General Assembly has sanctioned. It has also the management and charge of all the congregation's temporal affairs. It receives the contributions of the congregation for the objects appointed or allowed by the General Assembly; and disposes of them in accordance with the instructions of the Assembly.

Care of Poor.

The duty of attending to the temporal wants of poor persons connected with the congregation is specially assigned to the deacons' court.

No Spiritual Rule.

2. The deacons' court has no jurisdiction over the conduct of public worship in any of its parts. While it is required to apply spiritual principles to the management of temporal matters, it is not authorised to exercise any kind of spiritual rule, nor to review the action of the moderator or of the Session.

It has, therefore, no power of discipline, and cannot admit to the office of deaconship, or depose from it; nor can the resignation of a deacon be received by the deacons' court, or dealt with by it in any way. (See Chap. I., Sect. IV. 8, page 12.) No Power of Discipline.

3. The deacons' court is entitled to certified extracts from the minutes of the Session, in so far as these may affect its membership, officials, or duties, and such extracts must be engrossed in the record of the deacons' court. Extracts from Session Minutes.

4. It is the duty of the deacons' court to see that the place of worship and other ecclesiastical buildings are kept in good condition and repair, and to take steps for raising the funds that are needful for this purpose. Care of Church Buildings.

5. The deacons' court is not entitled to give the use of the place of worship, or of the other ecclesiastical buildings belonging to the congregation, for any purpose whatever, without the consent of the minister. It is not entitled to withhold the use of these buildings for meetings which are connected with the congregation or any of its organisations, and which have the sanction of the minister, or for meetings of a religious, ecclesiastical, or charitable nature, which have the same sanction. But none of these buildings can be made use of, either by the minister or by others, for any meeting which is not of the character above specified, without the acquiescence of the deacons' court. Use of Church Buildings.

6. It is the function of the deacons' court to let or allocate the sittings and pews in the place of worship, and to determine all questions relating thereto. Sittings and Pews.

7. It belongs to the deacons' court to appoint and dismiss the officer to whom is intrusted the immediate care of the place of worship. It also appoints and dismisses the doorkeepers and any other parties employed in attending to the convenience of the congregation. The deacons' court fixes the salaries of all these officials. It also fixes the salary of the leader of praise. Charge and Payment of Officials.

8. It is the duty of the deacons' court to make the requisite arrangements for carrying out the Acts of Assembly relative to the Sustentation Fund, by dividing the congregation into districts and assigning a district to each deacon, which it is his duty to visit statedly, and by holding monthly meetings, as far as convenient, at which the reports of the deacons are given in, and the state of the contributions is considered. Sustentation Fund.

9. A deacon may, with the sanction of the deacons' court, appoint collectors to assist him, and the deacons' court may appoint collectors who are not deacons for districts which have not been placed under deacons. Collectors.

10. A ruling elder may act as the deacon of a district for which no deacon has been appointed. But this is to be regarded merely as a temporary expedient. Elder as Deacon.

11. Ruling elders and deacons receive the Sabbath collections of the people according to such arrangements as may be made. (See Chap. I., Sect. III. 2, page 4.) Sabbath Collections.

12. It is the duty of the deacons' court to see that the proceeds of all collections appointed by the General Assembly are duly transmitted to the general treasurer of the church. Assembly Collections.

Association for Support of Foreign Missions.

13. When a congregational association for the support of foreign missions has been formed, with the sanction of the Session and deacons' court, it is usual and proper for the deacons' court to appoint a separate treasurer for that fund, who shall be responsible to it for the receipt and due transmission of the contributions.

Supplement of Stipend.

14. It is required that the deacons' court, after providing for feu-duty, the cost of insurance, the salaries of the church-officer and the leader of praise, Presbyterial, Synodical, and Assembly charges, the current yearly expenses for the maintenance of public worship and the due administration of Gospel ordinances, and the adequate support of the Sustentation Fund (Act XI. 1889), provide a suitable supplement to the minister's stipend out of the congregational funds, before these funds are held applicable to any other purpose whatsoever.

Collections for Poor.

15. As the deacons' court is charged with the care of the poor of the church, it appoints special collections as often as may be necessary for that purpose.

Dissent.

16. Any member of a deacons' court may enter his dissent from any part of its procedure of which he disapproves. His dissent must be dealt with in the same manner as a simple dissent is dealt with by the Session. (See Chap. I., Section II. 6, page 4.)

Review by Presbytery.

17. While it is inexpedient to sustain complaints or appeals against the ordinary administration of the deacons' court in temporal and financial affairs, the said court is nevertheless subject to the review of the Presbytery, in so far as it may take any step, or adopt any resolution, which the Presbytery can pronounce to be of a censurable nature, or in violation of any enactment of the General Assembly. (Act XIV. 1847, Sect. 2.)

Extracts.

18. The deacons' court is bound to furnish extracts to parties concerned in its procedure in the same manner as the Session. (See Chap. I., Sect. II. 6, page 4.)

Examination of Record and Treasurer's Account.

19. The record of the court, with the treasurer's account of income and expenditure for the year, after said account has been duly audited by appointment of the court, is required to be annually exhibited to the Presbytery of the bounds, as soon as possible after 31st December, for the purpose of being examined and attested by the Presbytery.

Annual Congregational Meeting.

20. A congregational meeting must be called by the deacons' court as soon as convenient after the auditing of the accounts, at which the deacons' court presents a report of its proceedings for the preceding year, gives such information and explanation as may be asked for, and receives any suggestions which may be offered by the members of the congregation for the consideration of the court, with reference to the future administration of the funds. This congregational meeting is convened by intimation from the pulpit, and the minister, if present, presides, and in his absence any office-bearer elected by the meeting. The minute of this meeting is taken by the clerk of the deacons court, and inserted in the record of that court.

Part II. The Committee of Management.

Section I. *Constitution and Officials.*

Managers.

1. The committee of management consists of a definite number of managers elected by the congregation for the purpose of administering its temporal affairs, who must be members of the congregation in full communion.

Number of Managers.

2. The congregation determines the number of managers, which should never be less than six. Nine, twelve, and fifteen are suitable numbers. The minister and the elders are eligible as well as ordinary members of the congregation. The election is made at the annual meeting of the congregation; or by means of voting papers, filled up and returned previous to that meeting, and in accordance with a plan adopted by the congregation.

Election.

One-third retire annually.

3. One-third of the managers annually retire by rotation, and their places, with the places of any who may die or vacate office during the year, are filled up at the annual meeting, as in par. 2 above. The retiring managers are eligible for re-election. A manager elected in room of one who has died or vacated office retires at the expiry of the period for which the person in whose room he is elected was appointed. When it is considered necessary to fill up a vacancy or vacancies in the number of managers during the year, a special meeting of the congregation is called for the purpose.

It is recommended that the names of the managers who accept office be read over to the congregation on the first convenient Sabbath after their election, and that the minister then commend them in prayer to the grace of God for the work to which they have been appointed.

4. Should any manager be suspended from membership or cease to be a member of the congregation, he thereby ceases to be a manager.

Preses, Clerk and Treasurer.

5. The congregation either elects annually a chairman or preses, a clerk, and a treasurer, from among the managers, or empowers the managers to appoint them from their own number. The congregation also elects annually two members of the congregation as auditors of the accounts, who, previous to the next annual meeting, examine the treasurer's books and vouchers for the current year, and report on them to said meeting.

Duties of Chairman.

6. It is the duty of the chairman to have each meeting opened and closed with prayer; to see that the business is properly ordered and recorded; to take the vote; and to announce the decisions come to. He may introduce any business to the managers, and may address them regarding it. He has a deliberative vote, and also a casting vote in case of an equality of votes. In the absence of the chairman from any meeting of the managers, one of the other managers may be chosen to preside.

Chairman *pro tem.*

Minute-book.

7. The clerk keeps a regular minute-book, accessible to the managers at all reasonable times, wherein the minutes of the meetings of the managers, and of all meetings of the congregation for temporal purposes, are fully entered.

Cash-book.

8. The treasurer keeps a congregational cash-book in which he enters all moneys received and payments made, and produces it at the annual meetings, audited and docqueted by the auditors appointed by the congregation, or failing them by a committee of the managers, together with the vouchers. All money received by the treasurer is to be lodged by him without delay in a public bank of known credit in a separate account identifying it as belonging to the congregation. The managers may require the bank pass-book to be exhibited to them at any meeting.

Section II. *Meetings and Procedure.*

Meetings.

1. The managers hold regular meetings at least once a quarter, and oftener when necessary. These meetings are called by authority from the chairman, or in his absence from the clerk, either by intimation from the pulpit, or by written notice to the individual managers. The chairman is bound to convene a meeting whenever required to do so by one-third of the managers. Where the quorum of managers is not fixed by the existing constitution of the congregation, it should be not less than three, nor than one-third of the managers when there are more than nine.

Opening, Closing, etc.

2. The rules relating to the opening and closing of meetings, and the recording, reading, approving, correcting, and signing of minutes are the same as for the deacons' court. (See Part I., Sect. I. 5, page 15, and Sect. II. 6 and 7, page 16.)

Section III. *Powers and Functions.*

Charge of Managers.

1. The management of the temporal affairs of the congregation—including the care of the church property, the ordering of repairs and alterations thereon, the letting of the seats and collection of the seat rents, the charge of all contributions for the support of ordinances, the payment of the minister's stipend, salaries of leader of praise or organist, church officer, and other expenses—is committed to the managers, and they are bound to regulate their administration of the matters committed to their charge by the rules here stated; and also to observe any special directions which may from time to time be given to them by the congregation.

Church-officer.

2. The church officer is appointed and dismissed by the Session and managers jointly. His resignation is given in to the Session, and all questions relating to his continuance in office are decided by the Session and managers. At such meetings the moderator of Session presides and the session-clerk acts as clerk. The officer gives attendance at the managers' meetings, and takes charge of the place of worship in accordance with the instructions given him. (See also Chapter I. Sect. I. 10, page 2.) Door-keepers and other subordinate officials are appointed and dismissed by the managers.

Use of Buildings.

3. The managers are not entitled to give the use of the place of worship, or of the other ecclesiastical buildings belonging to the congregation, for any purpose whatever, without the consent

of the minister and Session. They are not entitled to withhold the use of these buildings for meetings which are connected with the congregation or any of its organisations, and which have the sanction of the minister, or for meetings of a religious, ecclesiastical, or charitable nature, which have the same sanction. But none of these buildings can be made use of, either by the minister or by others, for any meeting which is not of the character above specified, without the acquiescence of the managers. Provided always that the consent or acquiescence of the managers shall not be required for any use which may be made or given of any hall or premises apart from the church or place of worship and halls or buildings connected therewith, which are used by the congregation or any missionary association or society of the congregation for carrying on mission or Sabbath school or other congregational work, and which have not been placed under the charge of the managers, and for the care of which they are not responsible. (See also proviso appended to Chap. I. Sect. III. 21, pages 8 and 9.)

Managers Report.

4. The managers report their proceedings and management during the year at the annual meeting of the congregation. (See Chap. III. Sect. II. 12, page 27.)

Special Meetings.

5. The managers, on obtaining the concurrence of the Session, have power to call special meetings of the congregation for temporal purposes when they deem it necessary, which meetings must be duly intimated on the two preceding Sabbaths, the purpose of the meeting being at the same time notified.

Limitation of Powers.

6. The managers have no power to contract debt on the security of the property belonging to the congregation, or for which it may be attached, without having received the special authority of the congregation, given at a special meeting called for the purpose, and also the authority of the Presbytery where that is required. They are not to expend in any one year, on repairs or alterations, more than a sum fixed by the congregation, without its express authority.

No Spiritual Jurisdiction.

7. The managers have no jurisdiction over the conduct of public worship in any of its parts. While they are required to apply spiritual principles to the management of temporal matters, they are not authorised to exercise any kind of spiritual rule, or to review the action of the moderator or Session.

Right of Session reserved.

8. The constitutional right of the Session to watch over all the interests of the congregation, and to interpose whenever, in its opinion, the welfare of the congregation calls on it to do so, by convening meetings for any purpose connected with congregational affairs, or in any other competent manner, is expressly reserved.

PART III. THE CONGREGATIONAL BOARD.

Definition.

1. The congregational board consists of the minister or ministers, and the ruling elders, together with a definite number

of other members elected to the board by the congregation for a fixed period.

Number of elected Members.

2. The congregation determines the number of members to be elected by it, which ought to be suitable to the size and circumstances of the congregation. This number is not to be altered except at a congregational meeting summoned with due notice of the proposal to make such alteration.

Retiral and Election.

3. One third of the elected members retire annually by rotation and their places, with the places of any who may die or vacate office during the year, are filled up at the annual meeting in the same way as in the case of managers. (See pars. 2 and 3, page 19.) The retiring members are eligible for re-election. A member elected in room of one who has died or vacated office retires at the expiry of the period for which the person in whose room he is elected was appointed. When it is considered necessary to fill up a vacancy or vacancies in the number of elected members during the year, a special meeting of the congregation is called for the purpose.

It is recommended that the names of the elected members who accept office be read over to the congregation on the first convenient Sabbath after their election, and that the minister then commend them in prayer to the grace of God for the work to which they have been appointed.

Rules to be observed.

4. The rules relating to officials, meetings and procedure, powers and functions, are the same as those for the deacons' court, except that those relating to the Sustentation Fund are applicable only when stipend is paid from that fund. When stipend is paid from the Sustentation Fund, the duties of deacons in collecting that fund devolve upon the elected members of the board.

Part IV. Congregations with a Constitution approved by a Superior Court.

Constitution to be observed.

1. Subject to Presbyterian order, a congregation whose temporal affairs are regulated by rules or a constitution approved by a Presbytery which had jurisdiction over it before the union of the Free Church of Scotland and the United Presbyterian Church, or before its admission as a congregation of the United Free Church of Scotland, shall continue to be guided by these in the administration of its temporal affairs; but it shall have power to adopt at a congregational meeting, called for the purpose, any one of the three methods of administration approved by the General Assembly. Until one of these methods of administration has been adopted, it should observe the provisions contained in pars. 2, 3, 7, and 8, Section III. of the committee of management, unless special provision is made in its constitution for another method of appointing the officials named in par. 2.

May be changed.

Model Constitution of United Presbyterian Church.

2. Congregations that have not formally adopted a constitution, but are guided by the model constitution approved by the United Presbyterian Synod, shall continue to administer their

temporal affairs as hitherto, unless and until the congregation resolve to adopt one of the three methods of administration before described. Until one of these methods is adopted, the congregation shall observe the provisions contained in pars. 2, 3, and 7, Section III. of the committee of management.

Adoption of Rules in Part II.

3. A congregation whose temporal affairs are administered by managers acting under a constitution approved by the Presbytery which had jurisdiction over it before the union of the Free Church of Scotland and the United Presbyterian Church, or before its admission as a congregation of the United Free Church of Scotland, or under the model constitution approved by the United Presbyterian Synod, may by resolution adopted at a congregational meeting held after intimation from the pulpit specifying the object of the meeting and made on the two immediately preceding Sabbaths, and confirmed either at the annual congregational meeting, or at a special meeting held at an interval of not less than three weeks after the resolution was adopted, and in either case after similar intimation, resolve to adopt the method of administration by managers described in Part II. of this Chapter, and such resolution shall forthwith be reported to the Presbytery, and on being approved by the Presbytery the regulations contained in Part II. of this Chapter shall thenceforth supersede and come in place of those according to which their temporal affairs have previously been administered.

PART V. CHANGE OF METHOD OF ADMINISTRATION.

Requirements of Title-deeds.

1. A congregation may, in place of the method of administration of its temporal affairs in existence at the time, adopt any one of the methods detailed in Parts I., II., and III. Before adopting a method of administration, or changing from one method to another, congregations should see that their doing so is not repugnant to nor inconsistent with the terms on and purposes for which the congregation's heritable property is held; and unless it is clear that these are not repugnant to nor inconsistent with the method proposed, it should not be adopted unless new titles can be obtained. It will be noted that the Model Trust Deed of the Free Church, under which the great majority of the former Free Church buildings are held, provides that these "shall be under the immediate charge and management of "the elders and *deacons*, or elders acting as *deacons*, for the "time being, of the congregation in the use, occupation, and "enjoyment for the time of such building or place of worship."

Congregational Procedure.

2. A change from one to another of the three methods of administering temporal affairs above described can be adopted only at a congregational meeting held after intimation from the pulpit, specifying the object of the meeting, made on the two immediately preceding Sabbaths; and the resolution to that effect must be confirmed either at the annual congregational meeting, or at a special meeting held at an interval of not less than three weeks after the resolution was adopted, and in either case after similar intimation thereof.

Report to Presbytery and to Assembly.

3. Such resolution shall forthwith be reported to the Presbytery, which may ask for and require further information from the congregation; and the Presbytery shall report the matter to the General Assembly, stating whether it approves or disapproves thereof; and the General Assembly shall either approve or disapprove of the change, or dispose of the matter in such way as it shall deem right. No such change shall take effect until sanctioned by the General Assembly.

CHAPTER III.

THE CONGREGATION.

SECTION I. *Members.*

1. A congregation is a company of persons, together with their children, associated in a particular locality for Christian worship, instruction, fellowship, and work.

Members.

2. The members of a congregation in full communion are the persons who have been admitted as such by the Session. (See Chap. I., Sect. III. 9, page 6.)

Baptized Persons.

3. Baptized persons connected with the congregation, who have not been thus admitted, are members, though not in full communion, and are under the care and oversight of the Session

Duties of Members.

4. It is the duty of members to give faithful attendance on Gospel ordinances; to give their minister all dutiful respect, encouragement and obedience in the Lord; to submit to the Session as over them in the Lord; to cherish a brotherly spirit among themselves; and to promote the peace and prosperity of the congregation. It is also their duty to take a lively interest in all that concerns the welfare of the whole church; to contribute heartily, as the Lord shall enable them, for the maintenance of the Christian ministry, and the furtherance of the Gospel at home and abroad; and to manifest a Christian spirit in all the relationships of life.

Rights of Members.

5. Members in full communion, and they only, have a right to take part in the business of congregational meetings. A member desiring to bring any matter before the Session must do so by petition or memorial. For right of access to the Superior Courts, see Chap. VIII., Sect. I. 2, page 100.

SECTION II. *Congregational Meetings.*

1. Congregational meetings are held either for ecclesiastical or for temporal purposes.

A. *Meetings for Ecclesiastical Purposes.*

Definition.

2. All matters other than those which concern the ordinary financial affairs of the congregation and the care of the church property, are dealt with at meetings for ecclesiastical purposes. The erection of church buildings, manse, or organ, is a matter of ecclesiastical business, and if it is to be dealt with at a congregational meeting, that meeting must be regarded as held for ecclesiastical purposes. It is an approved practice for

congregations to remit the erection of church buildings to a committee consisting of the deacons' court, or of the Session and managers, together with a number of other members of the congregation. When the election of a leader of praise or organist is made at a congregational meeting, the meeting must be regarded as one held for ecclesiastical purposes.

By whom called and conducted.

3. Meetings for ecclesiastical purposes are called by the Session; and the moderator of Session presides, and the session-clerk acts as clerk. In the absence of the moderator, any other minister of the Church, who is deputed by him or appointed by the Presbytery, presides.

Meeting called by Superior Court.

4. The Presbytery or other superior Court may, when it sees cause, summon a meeting of the congregation, and appoint one of its own members to preside.

How called.

5. All congregational meetings must be called by intimation from the pulpit on the Lord's Day. With the exception of the first meeting after the intimation of a vacancy, or of a special meeting in connection with a call to the minister of the congregation (see Chap. IV., Sec. III., Div. I. 34, page 46), all meetings must be intimated on the two preceding Sabbaths. The business to be considered must be specified in the notice calling the meeting.

Opening, Closing.

6. All congregational meetings are opened with prayer, after which the object of the meeting is stated by the chairman, and the intimation calling it read.

Minutes.

Draft minutes of the proceedings are taken, and if approved of, are initialed by the chairman and clerk before the close of the meeting, and afterwards engrossed in the permanent record of the Session, and signed by the chairman and clerk. The meeting is closed with prayer.

Dissent.

7. Any member present at a congregational meeting may enter his dissent from any part of the proceedings of which he

Access to Presbytery.

disapproves. Members have also the right to bring any decision or resolution of a congregational meeting, from which they have dissented, under the review of the Presbytery by petition transmitted through the Session.

B. *Meetings for Temporal Purposes.*

(a) *In Congregations which have a Deacons' Court.*

Annual Meeting.

8. An annual congregational meeting appointed by Act of Assembly (VII. 1846), must be called by the deacons' court as soon as possible after the close of the financial year. (See Chap. II., Part I., Sec. III. 20, page 18.)

Special Meetings.

9. Special meetings of the congregation are called by the Session when necessary, and the minutes of these meetings are engrossed in the minute-book of the Session. Such meetings are presided over by the moderator of Session or a minister deputed by him.

(b) *In Congregations which have a Committee of Management.*

Definition.

10. Meetings for temporal purposes deal with the ordinary

financial affairs of the congregation, and the care of the church property.

11. Ordinary meetings for temporal purposes—that is, those which are held periodically as provided for in the constitution of the congregation—are called by the committee of management; and the preses of the managers presides, when he is present. In his absence, or when he requests that another chairman be appointed, the minister, or one of the elders or other members may be chosen to act as chairman. The clerk of the committee acts as clerk. Ordinary Meetings.

12. The congregation holds an annual meeting as soon as convenient after the close of the financial year, of which meeting due notice is given from the pulpit before the congregation is dismissed on at least one Sabbath immediately preceding. At this meeting the managers report their proceedings and management during the year, and lay before the congregation an abstract of the income and expenditure during the year, with a statement of the congregation's pecuniary affairs as they then stand; and afford all information which may be required thereanent. The congregation then proceeds to the election of the managers for the next year, unless they have previously been elected by means of voting papers, in which case the result of the vote is reported to the meeting. It is not competent for the congregation to transact any special business at the annual meeting; but a special meeting may be held on the same day, if it has been regularly called as provided for in next par. The General Assembly recommends that the financial year should close at 31st December. Annual Congregational Meeting.

13. Special meetings for temporal purposes are called by the committee of management, with the concurrence of the Session. At these a chairman chosen for the time presides, who may be the minister, or preses, or one of the elders or members, and the clerk of the committee of management acts as clerk. The business to be considered at a special congregational meeting must be distinctly specified in the notice calling the meeting and be intimated on the two Sabbaths preceding. The minutes of these meetings are engrossed in the minute-book of the committee of management. Special Meetings.

14. All meetings for temporal purposes are opened, closed, and conducted in the same manner as meetings for ecclesiastical purposes, and members present at them have likewise the right of dissent and petition. (See Rules, A. 6 and 7, page 26.) Opening, Conducting, and Closing.

(c) *In Congregations which have a Congregational Board.*

15. The rules for congregational meetings in congregations which have a deacons' court apply.

SECTION III. *New Congregations.*

1. When a new congregation is being erected, and property acquired for a church, manse, or other church buildings, title-deeds should be prepared and trustees appointed according to Title-deeds and Trustees.

the "Model Trust Deed" either of the Free Church or of the United Presbyterian Church. The title-deeds when drafted should be submitted to one of the Law Agents of the Church for revision before being adopted. They should state that the trustees, other than trustees *ex officio*, are members of the congregation; and that if they cease to be members they cease to be trustees.

Mode of Administration.

2. At a special meeting duly called for the purpose, the congregation decides which of the following methods of administration of its temporal affairs, as detailed in Chap. II., it will adopt, namely:—(1) The Deacons' Court; or (2) The Committee of Management; or (3) The Congregational Board.

CHAPTER IV.

THE PRESBYTERY.

SECTION I. *Constitution and Officials.*

1. A Presbytery is formed by the General Assembly, and in the Act forming it the bounds thereof are defined, the designation fixed, and the place and time of the first meeting appointed. The senior minister present presides at that meeting until the Presbytery has been duly constituted, the roll of members made up, and a moderator elected. Formation of Presbytery.

2. A Presbytery consists of (1) all the ministers of congregations within the bounds fixed, colleagues and successors being included; (2) all ministers *emeriti* of its congregations, whose membership has been retained at the time of their retirement; (3) the professors of theology whose appointed sphere of labour lies within the Presbytery; (4) such ordained ministers, within the bounds and not having charges, as have been constituted members by authority of the General Assembly; (5) representative elders from the Sessions; and (6) in Presbyteries which have professors of theology as members, elders elected by the Presbytery equal in number to the professors. Membership.

3. Representative elders receive commissions from the Sessions by which they are appointed, constituting them members of Presbytery and Synod till the close of next General Assembly. The commissions, which must be in the form of an extract minute, besides intimating the fact of their election must certify that the persons named are *bona fide* acting elders in the congregation, or in some other congregation within the bounds of the Presbytery, or be accompanied by a certificate to that effect from the Session of which they are members. The election must take place within two months after the close of the Assembly, and commissions must not bear a later date, except in the case of newly sanctioned charges, or of appointments to fill up subsequently emerging vacancies. A previous representative cannot continue to sit beyond those two months unless re-appointed. A ruling elder cannot be allowed to take his seat in the Presbytery without a commission. Commissions may be received and sustained at a meeting *pro re nata*, or *in hunc effectum*, as well as at an ordinary meeting. In the event of a representative elder ceasing to be a member of Presbytery before his commission expires, a successor may be elected within one month thereafter. (For Form of Commission see Appendix VI., No. XVI., page 269.) Ruling Elders representing Sessions.

4. In special circumstances the General Assembly or the Pro- Assessors.

vincial Synod may appoint members of other Presbyteries to sit in a Presbytery as Assessors, with power to act as ordinary members in the causes to which their appointment refers.

Corresponding Members.

5. A Presbytery may invite any member of another Presbytery present at its meeting to be a corresponding member. A corresponding member has a right to speak, but not to vote, on any question before the court.

Election of Moderator.

6. The Presbytery elects one of the ministers on its roll to be moderator. The moderator holds office for such time as the Presbytery may determine, but it is recommended that the appointment should never be for a longer time than twelve months.

Duties of Moderator.

7. The duties of the moderator are, to constitute and conclude each meeting with prayer; to preserve order; to take the vote; to announce the decisions; to instruct parties at the bar; to administer rebukes and admonitions; to call on members to state their views, or to discharge any function which may have been assigned to them; to see that the business done has been duly recorded; to sign the minutes; and in general to speak and act officially in name of the Presbytery according as it authorises.

Moderator has only a casting vote.

8. The moderator has no deliberative vote, but in cases of equality he has a casting vote. He is not permitted to take part in any discussion while he occupies the chair, but he may ask leave to vacate the chair for the purpose of expressing his opinion. When this request is granted, an *interim* moderator is appointed. The moderator vacates the chair when he is a party in a cause before the Court.

9. In the absence of the moderator a previous moderator, and failing such the senior minister present, takes the chair and constitutes the meeting. Thereafter the Presbytery may appoint any other ministerial member as moderator *pro tempore*, if it see cause. But if the moderator appears at any stage of the proceedings, he takes the chair, and the fact is recorded.

10. The Presbytery has power to appoint a minister to act as moderator *pro tempore* on any particular occasion.

Clerks of Presbyteries.

11. The Presbytery appoints one or more clerks, who hold office during the pleasure of the Presbytery. Every clerk on his appointment solemnly promises to discharge the duties of his office with fidelity. It is his duty to keep an accurate roll of the members of the Presbytery; to write regular minutes of the Presbytery's proceedings, and to engross the same in a permanent record; to bring before the Court matters of business; to give intimation of the Presbytery's decisions, and to furnish such extracts to all parties interested as the Presbytery may have allowed; to take charge of all the Presbytery's papers, books, and documents; and to carry out the instructions of the Presbytery. The clerk receives a salary fixed by the Presbytery.

12. In the absence of the clerk the Presbytery appoints one of its members to act as clerk *pro tempore*. The fact of the appointment is entered in the minutes.

13. The Presbytery appoints an officer to wait on its meetings and to execute its orders. At his appointment he promises to perform the duties of his office with fidelity. He receives a salary fixed by the Presbytery. Officer.

14. The Presbytery has the right to assess the congregations under its jurisdiction, so as to obtain such funds as may be necessary for carrying on its business, and a treasurer is appointed to take charge of the Presbytery's funds. Presbytery Fund.

SECTION II. *Meetings and Procedure.*

1. Three members of Presbytery form a quorum, provided that two of them are ministers. Quorum.

2. The election of representatives to the General Assembly renders two meetings of Presbytery indispensable in the course of the year. Apart from the special limitations imposed on Presbyteries with regard to these two meetings they have the power of meeting when they judge it expedient. In the exercise of this power it is necessary for them at each ordinary meeting to resolve when the next ordinary meeting shall be held, to enter the resolution in their minutes, and to cause public intimation of it to be made. If these requirements are neglected by a Presbytery, its powers and functions lapse altogether until revived in a constitutional manner. Meetings.

3. No meeting of Presbytery can be held while either the General Assembly or the Provincial Synod of the district is sitting, except when special leave to that effect has been granted by the Assembly or Synod respectively. Presbyteries within a radius of fifty miles of Edinburgh are prohibited from meeting on the days appointed for the stated meetings of the Commission of the Assembly. Restrictions on time of Meeting.

4. An ordinary meeting of Presbytery is one which takes place in consequence of an express adjournment for ordinary business from a previous ordinary meeting, or in consequence of an express appointment by the General Assembly or the Provincial Synod, or in consequence of the lapsed powers and functions of the Presbytery having been revived in a constitutional manner. An Ordinary Meeting.

Every Presbytery fixes one or more places at which ordinary meetings are held. If it is resolved to hold a meeting for ordinary business at any other place, or to transact ordinary business at a meeting appointed on account of special business, care must be taken that sufficient notice of the time and place of meeting be given to all the members. Places of Meeting.

5. An *in hunc effectum* meeting of Presbytery is a meeting specially appointed by the Presbytery for the transaction of specified business. This kind of meeting requires that the particular business and the time and place of meeting be specified in the minute of the meeting which appointed it, along with the resolution to meet *in hunc effectum*, and that public intimation thereof be made at that meeting. No busi- An *in hunc effectum* Meeting.

ness can be transacted at an *in hunc effectum* meeting except that for which it has been appointed.

A *pro re nata* Meeting.

6. A *pro re nata* meeting is a meeting called during the interval between one ordinary meeting and another, in consequence of some unexpected business having arisen which requires to be immediately attended to. Such a meeting may be called by the moderator, either on his own motion, or in consequence of a requisition addressed to him by at least three of the members. It is required that due notice of the meeting be given to every member, and that the specific business for which it is called be distinctly stated in the circular calling it, and no other business can be transacted at it. When the meeting takes place, the moderator must explain his reasons for calling it, and the Presbytery must pronounce judgment upon his conduct in doing so. The Presbytery may adjourn, if necessary, to a date previous to next ordinary meeting to complete the business. If the moderator decline to call a *pro re nata* meeting after a requisition to do so has been addressed to him, the whole circumstances of the case may be brought before the Presbytery at its next ordinary meeting. In the event of the death of the moderator, and until a successor is appointed, his rights and duties in connection with the calling of *pro re nata* meetings devolve upon the clerk.

Death of a Minister.

7. On the occasion of the death of a minister the Presbytery may meet without formal summons on the day of the funeral, and make arrangements for supply of the pulpit and for other necessary matters.

Presbytery lapsed.

8. When from any cause the powers and functions of a Presbytery have lapsed, it shall be competent for any three or more of its members to address a requisition to the moderator, failing whom to the clerk, to call a meeting of the members of Presbytery for the purpose of appointing a day on which the Presbytery shall meet and proceed with ordinary business; and the moderator or clerk shall be bound to comply with such a requisition and to call a meeting, to be held on a day not less than ten nor more than fifteen days from the date of the requisition, by circular letter addressed to every member on the roll of the Presbytery. This meeting when held shall be considered a *pro re nata* meeting, at which no business can be transacted except the appointment of a day for an ordinary meeting. At the next ensuing meeting of the Provincial Synod, the Presbytery shall be bound to explain the causes that have necessitated its adopting this special procedure, and shall be liable to censure if the explanation be unsatisfactory.

Opening and Closing.

9. Every meeting of Presbytery is both opened and closed with prayer. The usual and approved practice is to open every ordinary meeting with praise, reading of the Scriptures, and prayer. The minute must bear at the outset that the Presbytery was constituted (which expression is understood to imply that it was constituted with prayer, and that a sufficient sederunt had been ascertained), and, at the end, that the meeting was closed with prayer. No minute can be sustained

Minutes.

as valid if it does not mention these two particulars. The names of all the members present must be recorded. Apologies for absence, sustained for adequate reasons given, are recorded. No extract from the minutes can be received which does not bear that the Presbytery was constituted, and which is not certified by the Presbytery clerk as having been extracted by him from the records of the Presbytery.

Approval of Minutes.

10. At each ordinary meeting, after it is ascertained that there is a quorum in attendance, and before the Presbytery proceeds to any other business, the minutes of the previous ordinary meeting and of any intervening *in hunc effectum* or *pro re nata* meeting are submitted. The Presbytery must then either approve of these minutes as submitted, or correct them and approve of them as corrected. They cannot afterwards be altered, except by the authority of a higher Court. The minutes of any proceedings which have taken place when the Presbytery was alone are not of necessity submitted for approval until the Presbytery is again alone at an ordinary meeting. The approval or correcting of the minutes does not imply any power to alter the *res gestæ* of the meeting. The only question is the correctness of the minutes as a true account of what was done.

Signing.

If the minute of a former meeting has been engrossed in the permanent record before being submitted for approval, it should when approved be signed in presence of the Court by the moderator and the clerk. If the minute of a former meeting is submitted in draft, the moderator and the clerk initial the draft when approved, and afterwards sign the minute when engrossed in the permanent record. The moderator and clerk who sign may be either those who officiated at the meeting of which the minute is the record, or those who officiated at the meeting at which it was approved; but the practice of a Presbytery in this respect must be uniform.

Correction

If in engrossing a minute in the permanent record the clerk finds it necessary to correct any mistake made *per incuriam*, he shall make the correction on the margin and attest it by his initials. If words have to be added, they are placed in the margin with a *caret* (∧). If words have to be deleted, the pen is drawn through them, and the marginal entry states in words (not figures) the number deleted.

When a minute engrossed in the minute-book is submitted for approval at a subsequent meeting of the Court, and the Court considers that it does not correctly or fully state the *res gestæ*, it shall specify in the minute of such subsequent meeting the correction required; and a note shall be put on the margin of the minute corrected referring to the subsequent minute correcting it, and shall be signed by the clerk.

For alteration and correction of minutes by a Court of review see Section III., Division II. 2, page 57.

When from any cause a moderator or clerk cannot sign a minute which requires his signature, the Presbytery shall appoint such minute to be signed by its authority; and the

person appointed to sign such minute shall append to his signature the date of the minute authorising him to do so.

Order of Business.

11. After the minutes are signed and the roll adjusted, all petitions, references, and papers of any kind to be submitted to the Presbytery, which have been previously put into the hands of the clerk, are laid on the table. The clerk intimates all causes and business to be brought before the Court, and the Presbytery determines the order in which they are to be taken up. Business left over from a previous meeting has ordinarily precedence of new matters. Business appointed for a specified hour must be taken up at the time fixed.

Commissions of Elders called for.

12. At the first ordinary meeting of Presbytery after the close of the General Assembly the commissions of representative elders are called for. If any Session has failed to send one, the clerk of Presbytery shall within one month after the close of the Assembly call upon such Session to make the necessary election forthwith, with intimation that if no appointment is made within two months after the close of the Assembly, none can be made till the close of next Assembly.

Presbytery in conference.

13. For greater freedom in the discussion of important questions the Presbytery may resolve to meet in conference, and the conference may appoint the moderator or any other of its members to preside. No resolutions framed nor decisions adopted at such a conference are recorded in the minutes of the Presbytery; the object being to ripen opinion for subsequent decision, or to influence public opinion and action.

Committee of whole House.

14. For the consideration of any matter involving a variety of details, or for other reasons, the Presbytery may resolve to meet in committee of the whole House and appoint a chairman, who may be the moderator or any other member. When this is done the ordinary rules of debate are understood to be suspended. When resolutions are framed or decisions adopted in this committee, they are reported to the Presbytery when it resumes, and they are usually adopted by the Presbytery without further discussion, the right of dissent, or of dissent and complaint, being reserved. (See Chapter VIII., Sect. IV., page 103, and VI. 4, page 108.)

Committees.

15. The Presbytery may appoint committees of its number for the more careful and minute consideration of those portions of business which seem to require such appointment, it being understood that these committees keep regular minutes and are to report to the Presbytery, which will record its own judgment upon the subjects of the several reports. Each committee has a convener who has a casting vote, but unless otherwise appointed by the Presbytery no deliberative vote. Committees cannot meet when the Presbytery is sitting except by leave of the Court.

Motions and speaking.

16. With a view to a Presbytery coming to a decision upon any question, a member of Presbytery must make a motion on the subject.

(1) In cases in which parties are heard at the bar no previous notice of motion bearing on the merits of the case can be given.

But in matters which do not involve the hearing of parties, and especially in matters of legislation, it is usual to give notice at a previous meeting of any motion which is to be brought forward.

Rules of Debate.

(2) Any motion submitted to the Presbytery should be committed to writing and given in to the clerk. If, after the mover has addressed the Presbytery, the motion be not seconded, it falls to the ground without discussion. When it is duly seconded, it is open either for adoption or for discussion. No alteration can be made upon it without the leave of the Presbytery, except in the shape of an amendment, or second or third motion, proposed and seconded by other members who object to the first motion as it stands. A motion made and seconded cannot be withdrawn without the leave of the Presbytery.

(3) In the discussion on motions a member is entitled to speak only once, but he may ask leave to explain something he has said which seems to be misunderstood. Leave is usually granted. The member who introduces the first motion, however, has a right to reply, but is not permitted to introduce any new matter into his reply. After the reply the discussion is held to be closed, and the vote is taken.

Call to order.

(4) Any member has a right to call a speaker to order; and immediately on his doing so the speaker stops until the question of order is determined. The member calling to order is then allowed to state briefly the grounds on which the call has been made; but no other member is entitled to speak to the point of order unless at the request of the moderator, with whom the decision rests. Members calling to order unnecessarily are liable to the censure of the Court.

When the moderator has announced his decision with regard to a point of order, or to the competency of a motion submitted, the Court in all ordinary circumstances accepts that decision as final. When a member intimates that he cannot acquiesce in the ruling of the moderator, the point on which the ruling was given is submitted, without discussion, to the judgment of the Court.

Voting.

17. In voting a Presbytery is guided mainly by the principles exhibited in the standing orders of the Assembly, except that the result of any vote is ascertained simply by a show of hands or by calling the roll, each of the members present saying, when called,—first motion, or second motion, or amendment; or naming the motion he votes for in the way agreed upon.

(1) When there are only two motions before a Presbytery on any subject, the statement of the vote is—*motion* or *amendment*, or *first* or *second* motion, the amendment or second motion being put first. When the vote is taken by calling the roll, it is called by the clerk or some one assisting him, and the votes are marked for the one motion or the other. The one preferred by a majority is announced and intimated as the decision of the Presbytery.

(2) When there are three motions, the two *amendments* or the

second and *third* motions should be put against each other in the first instance, the third motion being put first. The one of these which is carried by a majority is then put against the original motion, and the one which is carried on this second vote is announced and intimated as the decision of the Presbytery.

(3) The same principle is followed with a larger number of motions or amendments. They are all disposed of by being put against each other in the reverse order to that in which the motions were made. The question may thus always be reduced to a vote between the original motion and that amendment or motion, whether it be second, third, fourth, or fifth, which has been preferred through successive votes, as the one to be placed in immediate competition with the original motion.

(4) During the taking of a vote the doors ought to be closed, so as to avoid all confusion by members going out or coming in.

Intimation of Decisions.

18. Decisions of Presbytery are communicated to those whom they concern either *apud acta*, that is, verbally to parties present, or by extracts.

Extracts.

(1) Parties in cases before Presbyteries are entitled to extracts from the record containing those parts of the minutes in which they are concerned. The parties who acquiesce in a judgment are equally entitled, with those who appeal against it, to crave extracts. Other parties desiring extracts crave the Presbytery for them. But the clerk is not at liberty to give extracts without the express leave of the Presbytery.

(2) In all cases where extracts are craved, the clerk is entitled, before furnishing them, to such remuneration as the Presbytery may fix.

Dissents.

19. When a cause has been concluded, the minute adjusted, and the decision arrived at announced by the moderator, it is competent for any member who has voted to crave leave to enter his dissent. (As to right of dissent see further Chap. VIII., Sect. VI., page 108.)

An open Court.

20. The Presbytery is an open Court, but it may sit in private when it judges it necessary or expedient, and must do so when required by the law of the Church, or by instruction of a superior Court.

SECTION III. *Powers and Functions.*

Three Divisions of Functions.

The functions of a Presbytery may be comprehended under three divisions, embracing respectively the department of original action; the department of review; and the special relations of the Presbytery to the superior Courts.

DIVISION I. *Department of Original Action.*

Training of the Ministry.

Power as to admission and licensing.

1. The Presbytery possesses the function of deciding whether applicants are qualified or not to be received into the

number of enrolled students of theology, with a view to their becoming preachers of the Gospel, who may be called to the pastoral office. It has also the function of examining them as to their qualifications at any stage of their progress; of determining in due time, after examination, whether they may be licensed to preach the Gospel or not; and of licensing them if they be found qualified. The Presbytery in the exercise of these functions is regulated by Acts of the Supreme Court of the Church.

The following are the regulations at present in force (see *The College Calendar*):—

Applicants nominated by their ministers.

(1) Applicants for admission to the study of theology shall be nominated to the Presbytery of the bounds by their ministers, who shall certify that they are members in full communion with the Church, and submit their University class tickets and certificates of regular attendance on, and due performance of, the work of the classes, as prescribed by the Church.

Presbyteries confer with them.

(2) Presbyteries shall confer by Committee or otherwise with all applicants who have been duly nominated to them in regard to their piety and motives; and on being satisfied as to these, and also concerning their general fitness to go forward to the office of the ministry, shall certify them to the College Committee for admission to the entrance examination.

Names reported to College Committee.

(3) The names of all students certified for admission to the entrance examination shall be forwarded to the clerk of the College Committee before the end of August.

Students certified to Presbyteries.

(4) At the close of each session the College Committee certifies regarding each student to the Presbytery with which he is connected, whether his session has been sustained.

Recess Exercises.

(5) During each recess students are required to appear at least once before the Presbytery under whose superintendence they are, either to be examined in theology or to deliver a discourse; and the Presbytery is required to certify to the College Committee that this intersessional work has been performed and sustained.

Presbyteries are urged to give attention to delivery when hearing intersessional discourses, and in trials for licence.

Application for Licence intimated to Presbyteries.

(6) Students entering on the last session of their theological course are required to intimate to the College Committee the Presbytery to which they intend to apply for licence. The College Committee shall draw up a list of these students and their Presbyteries, and shall send a copy of the same, not later than 15th December in each year, to the clerk of each Presbytery in the Church, to be laid before his Presbytery, with the intimation that, if no objections are received from any other Presbytery by the Presbytery to which a student applies for licence before the 15th day of April following, the said Presbytery will proceed to take such student on trials.

(7) If, for any special reason deemed sufficient by the Presbytery to which he applies for licence, the name of any student has not been given in for insertion in the aforesaid list, the Presbytery may itself send his name to the other Presbyteries

of the Church, with intimation that, if no objections are received within three calendar months, it will proceed to take him on trials. In this case the expense of intimation shall fall on the student himself.

Certificates required before Trials for Licence.

(8) No Presbytery shall receive a student on trials without certification that he has satisfied the requirements of the College Committee, nor unless it has satisfied itself as to his character. And the Presbytery may require testimonials as to a student's character and conduct from any other Presbytery within whose bounds he has resided at any time during the year preceding licence.

Trial Exercises.

(9) The Presbytery which takes a student on trials for licence shall require from him the following exercises on subjects which it has prescribed:—(*a*) a Lecture; (*b*) a Sermon; (*c*) a Thesis. It shall also examine him on Doctrine and Experimental Theology, but it is empowered to dispense with other examinations.

Transference.

(10) At the request of a student it shall be competent to any Presbytery to transfer him to another Presbytery at any time during his curriculum. The transference may also be made at the close of his curriculum, or after he has entered on trials for licence. In this case the certificate of transference must state whether the student has been regularly received for trials, and what part (if any) of his trials has already been sustained.

Procedure at Licence.

(11) Besides passing a judgment, sustaining or not sustaining each part of the trials separately, the Presbytery shall also, after all have been sustained separately, pass a judgment on the whole by a regular vote, "sustain or not sustain these trials." The trials having been sustained, the student shall be required to answer the prescribed Questions, and to sign the relative Formula. Thereupon the moderator, after prayer, shall put to the Presbytery the question "License or not?" If it is resolved to proceed to license, the moderator shall address the student as follows:—"In the Name of the Lord Jesus Christ, the King and Head of the Church, and in the exercise of the authority with which He has invested its office-bearers, we the Presbytery of , do now license you, A. B., to preach the Gospel of Christ, and to exercise your gifts as a probationer for the holy ministry in this Church; and we commend you to the grace of God in the discharge of all your duties as a preacher of the Gospel." The moderator shall then address suitable counsels to the licentiate, and conclude with prayer. The clerk of Presbytery shall furnish the licentiate with an extract of his licence. He shall also within a week after the student has been licensed send the name and address of the licentiate, with the date of his licence, to the clerk of the Committee on the Distribution of Probationers.

Oversight of Licentiates and Ministers without Charges.

Licentiates.

2. Licentiates remain under the supervision and subject to the authority of the Presbytery which licensed them, till they

are regularly transferred to another Presbytery. A licentiate removing from the bounds of the Presbytery that licensed him, or within which he has been residing, and fixing his residence within the bounds of another Presbytery, shall present to that Presbytery an extract of his licence, and a presbyterial certificate of character from the Presbytery which he has left.

Ministers. Ministers who are not members of any Presbytery are subject to the jurisdiction of the Presbytery within whose bounds they reside.

Vacant Congregations.

Vacant Congregations. 3. It is the duty of the Presbytery to take a special oversight of a congregation in which the pastoral charge is vacant; to see that ordinances are duly administered and discipline maintained; to appoint one of its members as *interim* moderator of the Session, and to carry out the laws of the Church as to filling up the vacancy.

Procedure in filling up a Vacancy. 4. During a vacancy in the pastoral office the *interim* moderator of Session is entitled and called upon, so far as he can do so consistently with his duty to his own flock, to execute all the spiritual functions that would otherwise belong to the stated pastor.

5. It is not his duty to take charge of convening the deacons' court, that duty being expressly assigned to the clerk of the deacons' court during a vacancy in the pastoral office; but, as representing the Presbytery, the *interim* moderator of session stands in the same position as the stated minister in regard to the use of the church and other ecclesiastical buildings.

6. A vacancy in the pastoral office can be formally declared from the pulpit only by a minister regularly appointed by the Presbytery or a superior Court to discharge that duty.

7. The following classes of persons are qualified to be elected, called, and admitted as ministers of congregations in the United Free Church of Scotland:—

Who are eligible for Election. (1) All persons who have been admitted to the status of ministers by Presbyteries of the Church, or who were admitted by Presbyteries of the Free Church or of the United Presbyterian Church before the Union in 1900, and have not lost that status, whether they hold any pastoral charge or not; provided no special limitation as to the acceptance of calls has been attached to their ordination.

(2) All persons who have been licensed to preach the Gospel by any Presbytery of the Church, or of the Free Church or the United Presbyterian Church before the Union, without any special limitation being attached to their licence.

(3) Ministers settled in charges in the Presbyterian Church of England; in the Presbyterian Church in Ireland; and in Presbyterian Churches in the Colonies, which are in connection with this Church.

(4) Ministers without charges and probationers from the Presbyterian Church of England, on their producing satisfactory

presbyterial certificates to the Presbytery within whose bounds they already are, or are about to become, resident.

(5) Ministers and probationers not included in the classes already mentioned, who have been admitted by authority of the Supreme Court to the status of ministers or probationers of the United Free Church of Scotland.

Election and Calling of Ministers.

Election and Calling of Ministers.

8. When a vacancy takes place in a congregation, the Presbytery of the bounds shall, without delay, appoint one of the ministers to preach in said congregation, and to intimate the vacancy, and shall also appoint a minister to be *interim* moderator of the Session, and to preside at all congregational meetings that may be held during the vacancy.

Congregational Meeting.

9. Unless special grounds exist for delaying to fill up the vacancy, the minister intimating it shall by authority of the Presbytery call a meeting of the congregation to be held on an early day.

Form of Exhortation.

10. A form of exhortation prepared by the General Assembly shall be read at this meeting, setting forth the duties and responsibilities in the election of a minister pertaining to all the parties concerned, namely, to the congregation, to the Presbytery, and to the person or persons put in nomination. (See Appendix VI., No. v., page 264.)

Congregational Committee.

11. Unless the congregation is prepared at this meeting to elect a minister, it may nominate certain of its members, who, along with the elders and deacons, or managers, shall be a committee for bringing before the congregation one or more eligible persons with a view to the election of a pastor; or it may, without appointing a committee, apply to the Distribution Committee for a regular supply of probationers for a specified period.

Probationers.

12. In providing for the supply of the pulpit by probationers, with a view to the selection of a minister, regard must be had to any Act of Assembly or Rules sanctioned by the Assembly as to the Distribution of Probationers. (For Rules at present in force see Appendix II., page 172.)

Financial Arrangements.

13. As soon as convenient after a vacancy has taken place and when steps are being taken to procure a minister, the proposed financial arrangements are submitted to the Presbytery and, so far as necessary, to the Sustentation and Augmentation Funds Committee for their approval. In the case of congregations connected with the Sustentation Fund the Presbytery satisfies itself as to the working of the association for the support of that fund; reports concerning it to the Sustentation and Augmentation Funds Committee; and receives the Committee's judgment upon the report. Where a congregation on the platform of the equal dividend has been contributing less than the amount of the dividend, the report shall contain such particulars as may enable the Committee to judge whether it

ought or ought not to be continued on that platform (Act VI. of Assembly 1861). A similar report to the Committee, and the judgment of the Committee upon it, are required in the case of congregations receiving grants from the Augmentation Fund.

These regulations apply also to applications for colleagues and successors. When such applications proceed from congregations connected with the Sustentation Fund, they must be forwarded by the Presbytery to the Commission in March, by whom they are transmitted to the Committee concerned. The Committee reports on the applications to the General Assembly, which alone can grant leave to proceed with a call. When they proceed from congregations receiving aid from the Augmentation Fund the Presbytery reports them to the Committee, and moderation in a call cannot be granted till its favourable judgment has been received.

Who may vote.

14. The election and calling of a minister for any congregation belong to the members of the congregation in full communion; the mode of election and calling being subject to the regulation of the Church Courts. No vote shall be allowed or recorded at any meeting for considering as to an election, unless the vote is given by a member of the congregation who is personally present and whose name is on the attested roll.

Attested Roll.

15. Before any meeting is held to consider the question of electing a minister, the Session shall make up, attest, and lay on the table of the Presbytery a roll of communicants, which the Presbytery shall also attest. The roll of communicants so made up and attested previously to the first congregational meeting at which a minister may be elected, shall, previously to any subsequent meeting for the election of a minister, be purged of all those who in the meantime have died, or have been disjoined from the congregation, and the names of those who in the meantime have been admitted as communicants in the congregation shall be added to the roll; and the roll thus made up must be duly attested by the Session. (For directions as to making up this roll see Chap. I., Sect. III. 7, pages 5 and 6.)

Meeting for Election.

16. When a committee on the election of a minister has been appointed and is prepared to report, or when there is reason to believe that the congregation is prepared to proceed to an election, a congregational meeting is to be held on an early day. This meeting must be intimated on the two Sabbaths immediately preceding. If it appears that the congregation is not prepared at that meeting to elect a minister, the congregation takes such further competent action as may seem advisable. It may appoint a committee, if one has not previously been appointed, and give it such instructions as it may think right; and if there is an existing committee, may add to its number and may give it such instructions as are thought advisable; or it may resolve to proceed without a committee.

Regularity of Meeting.

17. When a meeting is held to consider as to the election of a minister, the moderator first of all ascertains that the meeting

has been duly called on the two Sabbaths immediately preceding by an intimation specifying its purpose. He then intimates to the meeting that only members whose names are on the attested roll are entitled to take part in it.

Procedure.

18. At every such meeting, if a committee has been appointed, the first business is the consideration of any report that committee may submit. Where there is no committee the meeting confers as to whether it is prepared to proceed to an election. When it is resolved to proceed to an election nominations are called for. These are not restricted to names submitted in a committee's report. Any member of the congregation may nominate any person who is eligible by the laws of the Church. The names of those who have been duly proposed and seconded are taken down; and after the moderator has ascertained that no other name is to be proposed the leet is declared closed. Before the vote is taken the moderator leads the congregation in prayer for divine direction. After the vote is taken the congregation determines whether it will apply for a moderation or not.

Voting.

19. When only one person has been nominated the question is put, "Elect Mr. —— or not." When more names than one have been proposed, they are put successively in the order in which they have been proposed; the name having fewest votes is dropped, and the vote is again taken on the remaining names, and so on till only one name remains. But if at any stage in the voting more votes are given for one person than for all the others collectively, the names of these others are dropped without further voting. The question is then put, "Apply to the Presbytery to moderate in a call or not." Before putting this question the moderator explains that his putting it enables the minority to acquiesce, if so minded, in the decision of the majority.

Commissioners.

20. When it is resolved to apply to the Presbytery to moderate in a call, the congregation appoints commissioners to support the application before the Presbytery.

Minute of Meeting.

21. The minute of the congregational meeting must be transmitted to the Presbytery by the Session.

Call accepted by Minister in a Charge.

22. When the minister of a congregation accepts a call to another congregation in the United Kingdom, he is not loosed from his charge till he is inducted to his new charge. Until then he remains responsible for the due administration of ordinances; and the congregation continues to be responsible for the amount of stipend promised. When the call is to a congregation furth of the United Kingdom, the minister is loosed from his charge when the call is accepted.

23. The Presbytery may, if it see cause, at the same meeting at which the minister has accepted a call, appoint an *interim* moderator of session, who shall be associated with the minister until he is loosed from his charge, with a view to acting in all matters connected with the approaching vacancy, and shall subsequently take full charge.

If this procedure be adopted, a congregational meeting

shall be called as soon as possible after a minister has accepted a call, at which the *interim* moderator shall preside, for the purpose of taking the usual initial steps towards choosing a minister. By arrangement with the outgoing minister, the congregation may then proceed at once to hear candidates under the ordinary regulations; but no election shall take place until after the out-going minister is loosed from his charge, and the vacancy intimated to the congregation.

24. The General Assembly has enacted that appointments by the Distribution Committee shall run from the time when the Presbytery agrees to the translation.

Moderation in a Call.

Application to Presbytery.

25. When a congregation has resolved to apply to the Presbytery to moderate in a call, the application, along with the minute of the congregational meeting, is submitted to the first ordinary meeting of the Presbytery after the resolution has been adopted, or to a meeting specially called for the purpose of considering the application. The *interim* moderator gives in a report as to the condition of the congregation and its ripeness for calling a pastor. The commissioners from the congregation are then heard; and questions may be put to them through the moderator of the Presbytery. Any petition against granting moderation shall then be given in, considered, and disposed of.

Presbytery's Decision.

26. In view of all the facts brought before it the Presbytery decides whether moderation in a call should be granted; or whether from want of harmony it is inexpedient to do so. If moderation is granted the Presbytery decides whether it will moderate in a call to a person named, or in a call at large. Moderation in a call at large must be appointed, unless there is clear indication of a harmonious desire for the person named.

Resolution to delay.

27. When the circumstances are such that the Presbytery does not feel warranted to proceed immediately to moderate in a call, it shall hold a meeting with the congregation, and shall not proceed to moderate in a call till it has exhausted all means for producing harmony, and, should these means prove unsuccessful, it shall refer the matter to the superior Courts for advice.

Moderation in a Call.

28. When the Presbytery is prepared to moderate in a call, it fixes a day and hour for doing so. Notice of the day and hour and intended procedure, specifying whether it is moderation in a call at large or to a person named, must be given from the pulpit of the vacant congregation on the two Sabbaths immediately preceding (for Form of Notice and Attestation see Appendix VI., Nos. VI. and VII., page 265). At the specified time the Presbytery meets in the church of the vacant charge; and after it has been ascertained that the notice was duly given, the moderator (either ordinary or *ad interim*) conducts public worship. He then states the object of the meeting. The form of a call is produced and read, with a space for the name of the person to be

called if it is a call at large, or with the name of the person inserted, upon whose election the congregation has already agreed, if it is a call to one already agreed on. The congregation is then asked, in the one case, whose name it desires to have inserted in the call; and in the other, whether it desires or not that the form of call produced be acted on. When the call has been agreed to, the persons present whose names are on the attested roll are invited to come forward and adhibit their signatures. A call at large can be subscribed only by those who personally adhibit their names; but when a call is moderated in to an individual whose name is in the notice announcing the moderation, it may be subscribed on behalf of members not present when mandates, which may be signed by one or more persons, authorising such subscription are produced. The communion roll, as specially adjusted and attested by the Session, with a view to the election, ought to be produced at the time of moderating in the call, in order that no one may be permitted to subscribe the call as a communicant whose name does not appear upon that roll. After the call has been subscribed by all the communicants who desire to subscribe it, or by their mandatories, the moderator attests it as thus subscribed. A form of concurrence in the call is at the same time produced, which adherents over fourteen years of age are invited to subscribe, and this also is attested by the moderator. Opportunity of dissent is then given, and if any dissents are tendered, they are recorded. The Presbytery then considers whether the call should be sustained. If there be dissents implying a serious division in the congregation, the call cannot be sustained or found sufficient unless it be signed by a majority of the whole members on the roll. Even in that case the Presbytery may find it necessary to refer the matter to the superior Courts. But no appeal sists procedure until the Presbytery has moderated in and sustained a call. (For Forms of Call, Concurrence, Mandates, and Attestation, see Appendix VI., Nos. VIII. and IX., pages 265, 266.)

Production of Roll.

Further Signatures.

29. The Presbytery may, if it think fit, arrange opportunities for further signatures being adhibited to the call before disposing of it. When arrangements are made for this, the call is left in the custody of the Session. But no signatures that are not adhibited in presence of the Presbytery can be added, except within the church premises and at times of which public intimation has been made to the congregation. On every such occasion of signing two elders shall be present, who shall attest the signatures, specifying the number who have signed at that time.

Opportunity for Reasons against Call.

30. Dissents from a call can be received only when they are tendered at the meeting immediately after the call has been attested by the moderator. If they be accompanied by specification of reasons either against the suitableness of the person called for filling the particular vacancy, or against the proposed settlement, they must be disposed of by the Presbytery, either at that meeting or at a subsequent meeting to

which the business is adjourned. When consideration of sustaining the call is adjourned, the congregation appoints commissioners to act for it in all further proceedings in the call. The fullest opportunity must be given to the members on the roll for stating objections. When the objections require special investigation, the consideration of them must be adjourned, and they must be considered at a subsequent meeting to which all parties are duly summoned.

Necessity of formal procedure as to some objections.

31. If the objections do not affect the moral character or the orthodoxy of the probationer or minister to whom the call is addressed, the Presbytery may judge of them, and come to a determination respecting their validity after hearing all parties, and taking such evidence as it may procure or think needful, without adopting such formal procedure as is requisite when grave personal charges are brought forward. But when an objection made involves a charge affecting the orthodoxy or moral character of the minister or probationer, the Presbytery must insist upon the objectors submitting a written statement of the particulars thereof and the grounds on which the charge is made, and the sources of information thereof, failing which the charge shall be held as abandoned. It is necessary that great caution be exercised in making or receiving charges affecting the moral character or orthodoxy of a minister or probationer, and those making them without due reason are liable to be dealt with in accordance with the law of the Church. (See Chap. VII.)

If it comes to the knowledge of the Presbytery that a *fama* prevails against the person called, it may be necessary to suspend procedure with the call till the *fama* has been disposed of.

Judgment against Call.

32. The Presbytery may decline to sustain the call, either on the ground of the *number* of dissents without reasons, or on the ground of the *weight* due to the reasons or objections adduced. If any such judgment of the Presbytery be neither appealed from nor complained against in due form, or if the judgment be affirmed by the superior Court, the whole proceedings as to the particular call in question fall to the ground, and a new election must take place.

Acceptance of Call by Probationer.

33. If the call be sustained at the time when it has been moderated in, and if the person called be a probationer or a qualified minister without any fixed charge, and if he be present, the call is put into his hands, and he is asked whether he accepts it. If he be absent, it is sent to him with all convenient speed; but previously to sending it, the Presbytery may intrust it to the Session to procure additional signatures. An accepted call may also be left with the Session for additional signatures. In these cases the procedure described in par. 29 is followed, and the number of such signatures shall be reported to the Presbytery.

Additional Signatures.

Calls to Ministers in Charges.

Commissioners to prosecute a Call.

34. If the sustained call be to the ordained minister of a congregation of another Presbytery of the Church, the induction cannot be proceeded with until a judgment has been obtained in favour of the translation, either from the Presbytery which has jurisdiction over the minister called, or from the superior Court which has jurisdiction over that Presbytery. In the case of every such call, the Presbytery, immediately after sustaining it, or immediately after being officially informed that its judgment sustaining it has been affirmed by the superior Court, commissions certain of its members to prosecute the call. The congregation calling also appoints certain persons as its commissioners. The clerk sends the call, and along with it certified copies of all needful documents and minutes, to the clerk of the Presbytery of which the minister called is a member, who shall acknowledge receipt of these documents, and intimate the time and place of the meeting of his Presbytery at which commissioners require to be present. The clerk of the latter Presbytery shall also intimate the call to the minister called and to the clerk of his Session. On the next or first suitable Sabbath he shall, either personally or by a substitute, intimate the call to the congregation and summon a congregational meeting, which can be held after one Sabbath's intimation, to consider the matter, and to appoint commissioners to appear for the interests of the congregation at the meeting of Presbytery at which the call is to be considered; and he shall either personally or by a substitute preside at that meeting. (For Form of Intimation see Appendix VI., No. x., page 267). The commissioners prosecuting the call ascertain from the clerk of their own Presbytery the time and place of the meeting at which they require to appear.

Procedure.

35. On the day and at the hour appointed, the Presbytery having met, all the parties are called. The order of procedure in the hearing of parties and in the discussion of the case by the Presbytery is in accordance with the general rules of order; it being understood that the parties prosecuting the translation hold the position as to opening the case and right of reply, which belongs to appellants. (See Chap. VIII. Sect. v., page 105.)

Minister called heard at any stage, etc.

36. At this meeting the minister called is first asked if he is prepared to make a statement at this stage. If he make a statement the commissioners are heard if desired. If he is not prepared at this stage to make a statement, commissioners are heard, but not more than two on behalf of each congregation; and thereafter a declaration of his mind is required. The Presbytery decides, in the first instance, whether or not the call ought to be presented to the minister. If the decision be in the affirmative, and there be no appeal or complaint, and if thereafter the minister acquiescing in the decision accept the call, the Presbytery gives formal judgment to the effect that it agrees to the translation, and appoints the minister to await in that matter

Terms of Decision.

the orders of the Presbytery prosecuting the call, and instructs its clerk to send an extract of the finding to that Presbytery.

37. If there be an appeal or complaint taken against a decision in favour of a translation, the Presbytery which has come to that decision instructs its clerk to intimate to the other Presbytery, through its clerk, whether or not Reasons of Appeal or Complaint have been lodged in due time; and also to intimate to them immediately the fact of the appeal or complaint being otherwise fallen from, if this should occur at any period after reasons have been duly lodged. If reasons are duly lodged, the commissioners of the Presbytery and of the congregation are entitled to lodge answers, and to appear as parties before the superior Courts. Proceedings in Case of Appeal or Complaint.

38. The commissioners of a Presbytery for the prosecution of a translation shall report the decision in the case, and any appeal or complaint, at the first ordinary meeting of their own Presbytery thereafter. If the decision has been in favour of the translation, and there is an appeal or a complaint, with reasons lodged in due time, no further step can be taken towards the induction until the appeal or complaint has been dismissed by the superior Court. But if it be duly certified to the Presbytery prosecuting the call that reasons of appeal or complaint have not been lodged in due time, or that the appeal or complaint has been subsequently fallen from, or that the superior Court has dismissed the appeal or complaint and affirmed the sentence in favour of the translation, then the Presbytery prosecuting the call fixes a day for the induction. Duties of Commissioners.

39. If the decision of the Presbytery having jurisdiction over the minister proposed to be translated be adverse to the translation, it is usual for the commissioners of the Presbytery prosecuting the call to take an appeal against the decision, leaving it to their own Presbytery to determine whether the appeal shall be prosecuted or fallen from. The commissioners in their report mention whether they have done so, and also whether any appeal was taken by the congregation calling, or any dissent and complaint taken by any member of the other Presbytery. If the meeting at which the report can be made take place within ten days from the meeting of the other Presbytery at which the decision has been given, the commissioners usually leave it to their Presbytery to authorise them to lodge reasons of appeal or not, as the Presbytery may think fit. If there be no meeting in time for this purpose, the commissioners ought to lodge reasons, it being always in the power of the Presbytery to fall from the appeal, and to intimate to the other Presbytery that it has done so. The Presbytery comes to such judgment on the report of its commissioners as it thinks most expedient. If it resolves to prosecute that appeal, or if any appeal or complaint in connection with the case is proceeded with, no further step toward the filling up of the vacancy can be taken until a decision has been obtained from the superior Court. But if the Presbytery falls from its appeal, and if no other appeal

and no complaint be prosecuted, or if the superior Court intimates that it has affirmed the adverse decision, the Presbytery must intimate to the congregation in due form the necessity of steps being taken for a new election.

Call to Minister of Charge in same Presbytery.

40. If a sustained call be to an ordained pastor of a charge within the bounds of the same Presbytery which has sustained the call, the procedure is the same in principle with that adopted in the case already detailed. In sustaining the call, the Presbytery takes care not to commit itself to the propriety of the translation. Due intimation is given to the minister called and to his congregation. Commissioners from both congregations appear at the bar of the Presbytery on the appointed day, and the Presbytery proceeds according to the preceding directions.

Call to a Professor.

41. If a call is addressed to a principal or professor in a Theological Hall of the Church, the Presbytery can proceed no further than sustaining the call; but shall then refer the case to the General Assembly. Intimation of the call and the reference shall be given to the person called, and to the Presbytery of which he is a member.

Call to a Minister furth of Scotland.

42. When a call is sustained to a minister in a charge furth of Scotland, it shall not be necessary for parties to appoint commissioners to prosecute the call. In that case the call may be duly prosecuted by forwarding it, with relative documents, to the Presbytery of which the minister called is a member.

Disposal of Appeals and Complaints.

43. The Commission of Assembly is empowered, at any of its stated diets, to take up and dispose of all references, appeals, or complaints from Synods (or Presbyteries meeting subsequent to the Synods) in matters connected with calls, translations, or settlement of ministers, which may be brought before them, and which it is found desirable in the interest of congregations concerned to dispose of without delay. In such cases the decision of the Commission is final. (See Chapter VI., Section IV. 4 and 6, pages 77 and 78.)

Calls to Probationers and Ministers not in Charges.

44. If the Presbytery sustains a call to a probationer, or to an ordained minister not having a fixed charge, and if there be no appeal nor complaint tendered in due form against its judgment, it proceeds to take the necessary steps with a view to his induction to the pastoral charge.

Trials for Ordination.

45. If the call be to a probationer, the Presbytery takes him on trials, and these shall include, at least, a lecture and a sermon. If these trials be sustained, the Presbytery fixes the day on which the ordination and induction shall take place. If the trials be not sustained, intimation is made to the congregation that the probationer called has not been found qualified, and that a new election must take place.

The judgment of the Presbytery sustaining or not sustaining the trials being subject to appeal and complaint, the action of

the Presbytery as described above can take place only on a decision which has become final. When appeal or complaint is taken against its decision, the Presbytery ought to frame its minute so as to put the superior Court in clear and full possession of the grounds on which its judgment proceeds, and to enable a person appealing or complaining to state with distinctness his reasons of appeal or complaint. These grounds must not involve any charge of heresy, because such a charge can be dealt with only by formal inquiry or libel.

Induction of Ordained Minister without charge.

46. If the call which is sustained and accepted be to an ordained minister not having a fixed charge, no trials being required, the Presbytery shall, if there is no ecclesiastical impediment, proceed without delay to appoint the day for the induction.

Ordination and Induction.

Serving of Edict.

47. When the Presbytery fixes a day for the ordination and induction of a probationer, or for the induction of an ordained minister, it appoints an edict to be read to the congregation on the two Sabbaths immediately preceding the day fixed for the induction, which must be attested each Sabbath by the officiating minister or preacher. By the edict, public intimation is made that the day and hour named have been appointed for the ordination and induction, or for the induction, as the case may be, and that the Presbytery will proceed in due form to the settlement, if no objection to the life or doctrine of the probationer or minister be previously brought forward and substantiated. It is also intimated that the Presbytery will meet at a time and place appointed for the purpose of receiving and dealing with objections, if any. The usual practice is to hold this meeting at an hour not long before that fixed upon for the settlement. (For Forms of Edict and Attestation see Appendix VI., Nos. XI. and XIII., pages 267, 268.)

Objections at last Stage.

48. At the time and place named in the edict, the Presbytery, having been constituted, calls for "the return of the edict," with attestation that it has been duly served. It then causes intimation to be made to the assembled congregation that the Presbytery is met to receive and deal with objections. Any objections at this last stage must be substantiated immediately to the satisfaction of the Presbytery, and substantiated objections arrest procedure. When no objections are given in, or when they cannot be substantiated *instanter*, it is the duty of the Presbytery to proceed with the ordination and induction, or with the induction alone, according to appointment.

Proceedings at Ordination.

49. The Presbytery then repairs to the place of worship, where the minister appointed conducts devotional exercises and preaches a discourse suitable to the occasion. The moderator then briefly narrates the steps that have been taken in order to the settlement, and puts to the minister-elect the prescribed Questions. These having been satisfactorily answered, and the Formula having been signed, the minister-elect kneels, and the moderator by

prayer, with the imposition of hands in which all the ministers present join, ordains him to the office of the Holy Ministry, and inducts him to the pastoral charge of the congregation. Prayer being ended, the moderator, addressing the minister-elect, says, "In the name of the Lord Jesus Christ, the King and Head of the Church, we do hereby declare you to be ordained to the office of the Holy Ministry, and induct you to the pastoral charge of this congregation, and we commend you to the grace of God in the discharge of all your duties as a minister of the gospel." The moderator and other members of Presbytery present give to him the right hand of fellowship. Suitable exhortations are then addressed to him and afterwards to his people. The congregation is then dismissed, and as they retire the members have an opportunity of welcoming him as their minister. His name is then added to the roll of the Presbytery; the Session is constituted, and he is introduced and takes his seat as its moderator. Where the stipend is paid in advance by the congregation it is the duty of the treasurer to make provision that the first payment be made at the close of the ordination or induction service; and the Presbytery should see that this is done. Certified intimation of the ordination and induction is sent to the session-clerk to be engrossed in the minutes of the first meeting of Session thereafter.

Induction Service.

50. When one who has been already ordained to the ministry is to be inducted to the pastoral charge of a congregation, the act of ordination is not repeated, and the words "declare you to be ordained to the office of the Holy Ministry, and" in the declaration are omitted. In other respects the procedure is the same as that in an ordination.

Intimation to other Presbyteries.

51. It is the duty of a Presbytery, after inducting to a charge within its bounds the minister of a charge under the jurisdiction of another Presbytery, either of this Church or of any other from which he has been duly translated, to give immediate intimation through its clerk to that Presbytery that the induction has taken place.

Ordination to Colonies, Missions, etc.

52. Ordination which has no reference to a particular pastoral charge, or to some position or function held to be equivalent to that of a particular pastoral charge, though competent is unusual, and should be conferred only when expressly authorised by the General Assembly. But a Presbytery in Scotland may ordain a probationer who has been appointed to a pastoral charge in the Colonies, when there is no local Presbytery having jurisdiction over that charge; and missionaries to foreign parts are usually ordained before they proceed to their spheres of labour. In these cases Presbyteries may, if they consider it necessary, inquire and satisfy themselves with respect to the nature of the appointment, the position of the parties making it, the sphere of action proposed to be entered on, and the provision arranged or in prospect for the due support of the minister or missionary after he has entered on it. If they are satisfied regarding these points, it is competent for them to proceed. So far as trials and the act of ordination are con-

cerned, they must take the same steps as in ordinary cases. The serving of an edict is dispensed with. But public notice of the Presbytery's intention is to be given, that there may be sufficient opportunity to bring forward and substantiate any objection to the life or doctrine of the person proposed to be ordained.

Induction of Professors.

53. An ordained minister who has been appointed a professor of theology is inducted to his office by the Presbytery of the bounds in accordance with the instructions of the General Assembly. A probationer who has been appointed a professor is ordained and inducted.

Colleagues and Successors.

Applications for Colleagues and Successors, etc.

54. It lies with the Presbytery within whose jurisdiction a pastoral charge is situated, to receive, in the first instance, an application for the appointment of a colleague and successor to the pastor of that charge. Such an application may be based either upon the partial inability of the pastor to discharge his functions through age or infirmity or both; or upon special considerations connected with the character and circumstances of the charge. It is initiated by means of minutes of Session and congregational meetings, together with a minute of the deacons' court, where there is a deacons' court. Adequate information must accompany the application with respect to the alleged grounds for it. For example, if the ground be the state of the minister's health and strength, sufficient medical testimony should be produced. If, in order to carry out the contemplated appointment, assistance be asked from the Aged and Infirm Ministers' Fund, this request, and the grounds of it, must be brought before the Presbytery along with the application. When all the materials for judgment have been fully set before the Presbytery and parties have been heard, the Presbytery is called upon to give a deliverance with respect to the application, viewed in connection with the pecuniary and other proposed arrangements. For further procedure in the case see Division III. 4, page 62.

Apportionment of Duties.

55. In the absence of any arrangement to the contrary sanctioned by the Presbytery or a superior Court, the senior pastor is entitled to retain an equal share of the work with his colleague, and to alternate with him in the exercise of every function belonging to the office of pastor. When an arrangement regulating the duties of the colleagues has been sanctioned, it must be intimated to the person elected as colleague and successor before he accepts the call, and is binding upon him. The matter is often harmoniously and happily arranged between the colleagues personally, without any more formal adjustment. But if leave have simply been granted to the congregation to call a colleague and successor to its pastor, the latter retains the right to his seat in the Church Courts, and to every other privilege of his office which he has not consented to relinquish. It is understood that the junior colleague is pre-

pared to undertake the whole pastoral and pulpit duty, or any portion of it, when the age or infirmity of the senior colleague requires it.

56. All cases of applications for colleagues and successors from congregations on the Sustentation Fund, and from congregations receiving aid from the Augmentation Fund, must be brought under the view of the Sustentation and Augmentation Committee, in the same manner as if they were cases of vacancies.

57. In all other respects the course of procedure by a Presbytery with reference to the ordination and induction, or the induction alone, of a colleague and successor, is the same as that already detailed in the case of a vacant charge.

Ministers emeriti.

Resignations of Ministers.

58. A minister who wishes to resign his pastoral charge on the ground of ill-health, old age, or other circumstances not affecting his ministerial character, tenders his resignation to the Presbytery under whose jurisdiction he is. The Presbytery, either when alone, or through a committee, confers with him as to the reasons of the proposed resignation. Due notice must be given to the congregation that it may be heard for its interest. If the Presbytery finds the alleged reasons unsatisfactory, or if any circumstances or *fama* be made known to it which require investigation, it cannot accept the resignation until it be ascertained that there is no ground for bringing their brother under the censures of the Church. But if nothing objectionable appear with respect to his procedure, and he continues to be persuaded that it is his duty to follow out his intention, the Presbytery may accept his resignation, and take immediate steps for declaring the pastoral charge of his congregation vacant.

Ministers *Emeriti.*

59. Ministers who have thus retired from their charges are accounted *emeriti.* They are not members of Presbytery unless expressly allowed to be so by a specific deliverance of the General Assembly; but they retain their *status*, and may be employed in any work belonging to that *status* which they are capable of performing. Ministers *emeriti*, who are not continued as members of Presbytery, are eligible as ruling elders in the congregation to which they attach themselves as communicants.

Ordained Preachers and Catechists.

Ordained Preachers.

60. To meet the spiritual necessities of places where the Church is not prepared to erect or continue a sanctioned charge, but where it is desirable to provide for the administration of sealing ordinances to the members of the Church, the following scheme for the employment of "Ordained Preachers" has been adopted:—

(1) A proposal to place a congregation under the charge of an Ordained Preacher may originate with the Home Mission or

the Highland Committee, or, in the case of a charge previously sanctioned, with the Sustentation Fund Committee; or it may originate with the congregation itself, or with the Presbytery, and be arranged with the committee concerned.

(2) If all parties concur in the proposed arrangement, a probationer, chosen by the congregation, is ordained as an "Ordained Preacher" in the service of "the committee which has to do with the case, and appointed to the charge of the congregation for a limited term, not exceeding three years, and he shall not be re-appointed for any further term of service in the same place unless at the express desire of the people, and when the Committee and the Presbytery are satisfied that for special reasons a change of agent is undesirable.

(3) In all stations served by such ordained preachers the Presbytery shall continue to appoint a moderator of Session, but shall have the power to appoint such ordained preacher as an assessor to the Session during his service in such station. Such ordained preacher may be authorised to act for the moderator in his absence, and to administer ordinances at the request of the Session; and he shall be eligible for election as a representative elder to the Presbytery so long as he is employed within its bounds.

(4) In the Lowland Presbyteries the financial arrangements for such ordained preachers shall be made jointly by the Home Mission and the Sustentation and Augmentation Fund Committees; and in the Highland Presbyteries by the Sustentation and Augmentation Fund and the Highlands and Islands Committees.

(5) The General Interests Committee is empowered as often as vacancies occur, where it appears that the foregoing plan may be suitably put into operation, to communicate with the Presbytery and committees concerned, with a view to placing the congregation under the provisions of the scheme.

Salary.

61. A special salary shall be provided for such ordained preachers:—

(1) In the case of congregations on the platform, or under the Acts of 1875 or 1877, by the Sustentation and Augmentation Fund Committee, Church Extension charges receiving back only what they contribute;

(2) And in the case of congregations in the position of stations by the Home Mission or the Highlands and Islands Committee.

Catechists.

62. The Church also in special circumstances recognises the appointment of readers or catechists. The persons selected for this purpose are, for the most part, elders, students of theology, or teachers, who have been approved by the Presbyteries within whose bounds they reside. Their spheres of labour and duties shall be fixed by the General Assembly, or by the Home Mission Committee or the Highlands and Islands Committee, with the concurrence of Presbyteries. In this work they shall be associated with, or superintended by particular ministers appointed for the purpose.

Formation of Preaching Stations and Charges.

Formation and Agencies.

63. A preaching-station for the regular worship of God may be formed under the superintendence of a Presbytery without being constituted as a pastoral charge. This may be done either on petition of residents in the district or at the instance of the Presbytery itself. When the proposal is originated by petition of residents in the district, those petitioners who are members of the Church are required to append to their signatures the names of the congregations of which they are members; but they are not required to disjoin themselves from these congregations till the prayer of the petition is granted. Such stations are usually supplied by probationers. In some, especially in the Highlands, catechists are employed. When aid is received from the funds under the charge of the Home Mission Committee, or of the Committee on the Highlands and Islands, the station must be conducted under the direction of such committee, but so as not to interfere with the constitutional jurisdiction of the Presbytery.

Sessions in Preaching Stations.

64. Preaching stations are established under the authority of the Presbytery of the bounds; and it belongs to the Presbytery to arrange in regard to the appointment of elders and the establishment of Sessions in them, a minister of the Presbytery being appointed the moderator of every such Session.

When the Presbytery deems it expedient such Sessions may consist of elders in fully constituted congregations of the Presbytery. In this case the Session cannot send a representative to the Presbytery and Synod. Where the station has not congregational status this course must be followed.

Where a station has congregational status, to the extent that an arrangement has been sanctioned for the regular dispensation of the Sacraments, and that it has its own communion roll, the Presbytery may, if it think proper, authorise the appointment in that station of a Session, the elders of which may be elected from among the membership on the roll, and are ordained and admitted as elders of the station. In this case the Session is entitled to send a representative to the Presbytery and Synod of the bounds, but this shall not affect the representation of the Presbytery in the General Assembly. The members of such Sessions are eligible to be appointed representative elders to the General Assembly, but their certificates of being *bona fide* acting elders must be given by authority of the Presbytery.

The Presbytery also arranges for the appointment of a presbyterial or local committee to take charge of the financial affairs of such preaching stations.

Notice to neighbouring Sessions.

65. When a petition or a proposal is before a Presbytery to form a congregation, or to open a station with a view to the erection of a congregation, notice must be given to the neighbouring Sessions of the Presbytery, that they may be heard for their interests.

66. Where no Session has been formed in connection with

a station, sealing ordinances can be dispensed in it only by appointment of the Presbytery, unless the station has been placed under the jurisdiction of a neighbouring Session. When the Presbytery authorises the dispensation of sealing ordinances it appoints a minister for this purpose. Sealing Ordinances in Stations.

67. When a Presbytery considers it desirable to form a fully sanctioned charge, it forwards a statement of its opinion to that effect, together with all documents in the case, to the Synod, which alone has the power of sanctioning a new charge. In the case of congregations which it is proposed shall be on the Sustentation Fund or shall receive aid from the Augmentation Fund, a report must be obtained from the Sustentation and Augmentation Funds Committee, and from any other committee from which aid is sought, and must be included in the documents submitted to the Synod. The financial statement to be included in these documents shall exhibit the proposed ministerial income from all sources. Formation of Sanctioned Charge.

Dissolving a Congregation, or Reducing it to the Status of a Station.

68. When a Presbytery finds, after full inquiry, that from depopulation of the district where a sanctioned charge is situated, or from any other cause, it is not advisable to maintain it as a pastoral charge, the Presbytery shall consider whether it should be continued as a station or should be discontinued or otherwise dealt with, and shall report its opinion thereanent to the Synod. A copy of such report and relative documents shall be supplied to the Session of the congregation reported on, that it may take all competent steps to be duly represented at the Synod when the Presbytery's report is heard. The Synod, after hearing parties, shall decide, subject to appeal to the General Assembly, whether the congregation should or should not be continued as a fully sanctioned charge, and in the event of its deciding to discontinue it, shall satisfy itself that suitable provision is made for the supply of religious ordinances to the members of the Church in the district. Action by Presbytery.

69. Should the question be raised in a congregation as to its continuance or otherwise, the only competent procedure is to report the matter forthwith to the Presbytery through the Session. The Presbytery shall without delay inquire into the whole circumstances of the congregation, meeting with the minister, the office-bearers, and the congregation. It shall formulate its opinion on the case, and report the case along with its opinion thereon to the Synod. Action by Congregation

Other Powers and Functions.

70. When it is proposed to build a new place of worship with a view to church extension, or to rebuild a place of worship, whether on its present or on a new site, the Presbytery is to Building a New Place of Worship.

be consulted before the site of the proposed church is finally fixed upon. Plans and an estimate of the probable cost of every new place of worship are also submitted to the Presbytery, together with a statement of the provision made for defraying the cost, or of the means by which it is expected that the liabilities incurred will be met; and the Presbytery shall not give its sanction to the commencement of building operations until it is satisfied as to the prospect of the obligations undertaken being met.

Admission of a Congregation from another Church.

71. If a congregation connected with another Church petitions for admission as a congregation already constituted, the Presbytery appoints a committee to meet with the congregation; to make full inquiries into its position; to see that its proceedings in reference to the petition have been regular, and that it has full freedom to seek admission; and that it approves of the constitution and distinctive principles of this Church. A certified copy of the roll of membership must be laid on the table along with the petition.

72. If the Presbytery is satisfied with the report of the committee on these points, the procedure detailed in rule 67 is then followed. If the Synod sanctions the admission of the congregation, the Presbytery meets with the congregation, and, after public worship, declares it to be a congregation of the United Free Church, and the elders of its Session who satisfactorily answer the prescribed Questions and sign the Formula to be the Session of the congregation. Where there are no elders the Presbytery appoints a provisional Session.

Admission of a Congregation with the Minister.

73. If a minister of another Church petitions for admission along with his congregation, and as its minister, the Presbytery regulates its procedure in regard to the minister by the rules for admission of ministers and preachers. It appoints a committee to meet with him and obtain information as to all the circumstances which have led to the petition, and to meet with the congregation for the purpose stated in rule 71. After hearing the report of the committee, the Presbytery, in view of all the circumstances of the case, decides whether it will recommend the Assembly to grant the petition. If the petition is granted by the Assembly, the Presbytery admits the minister and congregation according to the procedure described in the latter part of par. 72. For the rule as to admission of a minister or probationer of another Church see Division III. 3, page 61.

Special Services and Collections.

74. The Presbytery has the power of appointing special diets of worship, and special fast-days and days of thanksgiving. It can also appoint special collections for particular objects to be made in all the congregations under its jurisdiction. This power, however, requires to be exercised with great discretion.

No interference with another Presbytery.

75. A Presbytery cannot interfere with or review the procedure of another Presbytery. It may make a remonstrance thereanent, and endeavour by frank and friendly representation to have the matter put right. Where this is ineffectual the

Presbytery which feels aggrieved can bring the matter by petition for redress before the Synod of the bounds, when both Presbyteries belong to the same Synod. When they belong to different Synods the petition must be addressed to the General Assembly.

76. Presbyteries have, subject always to the laws of the Church, a duty of supervision in all matters affecting the spiritual welfare of the Church and of its members within their respective bounds, and may give counsel and admonition, and emit public declarations of opinion on such matters, as they may see cause. In doing so they must be careful of the rights of Sessions and of individual members of the Church.

The Colleges of the Church are under the supervision of the College Committee. For procedure in cases of discipline as regards professors see Chapter VII., Section v., page 94.

Division II. *Department of Review.*

Right of Review.

1. The Presbytery's right of review extends not only to decisions and resolutions of congregational meetings, and the disposal of matters brought before it by reference, protest and appeal, or dissent and complaint, but also to various other matters. As to the right of review of decisions of congregational meetings see Chapter III., Section II., 7 and 14, pages 26 and 27; and as to references, protests and appeals, and dissents and complaints, see Chapter VIII.

Records to be examined.

2. The Presbytery exercises the right of review through the periodical examination of the records of Sessions, deacons' courts, and congregational boards. These records and also, in congregations whose property is held under the Model Trust Deed of the Free Church, the communion roll, or a certified copy thereof, revised by the Session, and signed by the moderator and clerk, or keeper of the roll, shall be annually sent to the Presbytery for attestation. It is the duty of the Presbytery to give instructions to the Sessions, deacons' courts, and congregational boards, with a view to compliance with these requirements. The Presbytery examines by itself or by a committee or committees the records and rolls that have been sent in. After such examination the Presbytery comes to a finding regarding them.

Roll attested.

(1) It attests the communion roll with any suggestions thereanent, or deals with it otherwise as may appear to it to be called for.

Correctness and Accuracy of Records.

(2) It pronounces a judgment as to the correctness and accuracy with which each record is kept, requires serious errors to be rectified, and points out deficiencies or mistakes of a less important character in order that they may be avoided in future; and it may instruct Sessions or deacons' courts as to any improvement which ought to be adopted in their modes of conducting business.

Review of Deliverances.

(3) It may for sufficient reason review and recall any deliverance of a Session appearing on the record. If it be too late for a simple reversal to redress an injustice, the Presbytery may give instructions to the Session for affording such redress as the laws of the Church still render practicable. The Presbytery may also order passages of the Session record to be deleted. The deletion may be carried out either by the Session, or by the Presbytery clerk under the orders of the Presbytery. The mode of deletion is either by obliterating the words to be deleted so as to render them illegible, and noting on the margin the number of words so deleted, with an attestation by the person deleting; or by cutting leaves out of the record, the number of leaves cut out being formally noted in the record; or it may be partly in the one way, partly in the other. The minute of Presbytery ordering the deletion must be inserted in the record. Before pronouncing any judgment with respect to any deliverance of a Session, or before ordering the minutes of a Session to be altered, the Presbytery must summon the Session to its bar and hear them as parties.

Deacons' Court.

(4) The Presbytery may find that certain procedure of a deacons' court or congregational board has been *ultra vires*, or contrary to Acts of Assembly, and may declare it to be null and void, or order the minutes to be altered. Before doing so, it must summon the deacons' court or congregational board to the bar, and hear them as parties. The Presbytery has no power of judgment with respect to those details of practical procedure in the deacons' court or congregational board which are within the province of that court or board, and consistent with the Acts of Assembly.

Matters neglected.

(5) If it appear to the Presbytery that a Session has failed to deal with a matter that calls for inquiry, the Presbytery may instruct the Session to proceed in the matter according to the laws of the Church; and may, where it seems desirable, appoint assessors to assist the Session.

Records of Managers.

3. The Presbytery has the right at any time for special cause to require the production of the record of the managers' proceedings, in congregations whose temporal affairs are under the care of a committee of management; it has also the right to take action in regard to any matters subject to the cognizance of the Church Courts which may arise upon such record.

Presbyterial Visitation of Congregations.

Presbyterial Visitation of Congregations.

4. In the exercise of their duty of oversight Presbyteries may arrange at any time for the visitation of the various congregations within their bounds, but it is required that they shall, at least every five years, visit them in rotation.

The object of presbyterial visitation is to strengthen the hands of the ministers, elders, deacons, and managers, and to give such counsel and encouragement as may be suitable, as well as to satisfy the Presbytery that the congregations under its charge are in a satisfactory state.

The following are the regulations for presbyterial visitation and more effectual oversight of congregations:—

Quinquennial.

(1) Once at least in five years Presbyteries shall examine into the state of every congregation within their bounds by visitation, either by the Presbytery as a whole, or by a committee of it appointed for that purpose.

Mode of Procedure.

(2) Presbyteries shall frame their own questions and mode of procedure, but in any case they shall have a special regard to the work of the minister, elders, deacons, and managers, and the spiritual state of the congregation; and shall use their discretion in inquiry regarding such matters as are included in the ordinary annual schedules.

Judgment.

(3) Presbyteries shall record their judgment on the visitation, with such remarks as they may deem called for. They shall consider the whole state of matters, and thereupon declare whether, all things considered, they can express satisfaction with the state of the congregation. A copy of the deliverance or of the report which a visitation committee proposes to submit to the Presbytery shall be sent to the Session.

Report to Synods.

(4) The result of each year's visitation shall be reported to a committee of Synod. Every Synod shall name a standing committee, which shall summarise the results of Presbyterial visitations, and report thereon to the Synod. Synods and Presbyteries are required so to arrange that the complete reports shall at latest be ready for the spring meeting of Synod.

Presbytery dissatisfied.

(5) In the event of a Presbytery finding itself unable to declare satisfaction with the state of a particular congregation, it may, if it think fit, withhold its report in that case, signifying that it will report thereon after renewed examination in the next year. But, if still unsatisfied in the next year, it must report its judgment thereon to the Synod.

Proceedings in Synod.

(6) The Synod at a private diet, at as early a date as practicable after receiving the Presbytery's report, shall take up cases reported as unsatisfactory, and may also consider whether other cases, not reported in that class, require the interposition of the Synod. In both classes of cases it shall direct the Presbytery to take such competent steps as it judges best fitted to remove the evils complained of; or it may send down a committee of visitation of its own, with such directions as it may think fit.

Faults of Office-bearers.

(7) When a Presbytery finds the unsatisfactory state of a congregation to be due largely to faults on the part of the office-bearers, or the people, or any of them, it shall with all fidelity and affection deal with them as the justice of the case and the interests of the congregation may require.

Rights of Members and of Presbyteries.

(8) Nothing in these regulations shall prejudice the right of members of congregations to bring any grievances to the Presbytery by petition at any time; or the right of Presbyteries to make a special presbyterial visitation of a congregation at any time, to call Sessions before them, examine

minutes, inquire as to arrears of stipend or deal with any matter affecting the welfare of the congregation; or the right of a Synod, on the ground of information in its own possession, to take the initiative in directing and enforcing the proper presbyterial action.

Reports to the Assembly.

(9) Synods shall report yearly their diligence in visitation, and transmit a summary of the information they have received, to the General Assembly.

Congregations in an Unsatisfactory State.

Cases brought to Presbytery.

5. When there is reason to fear that a congregation is in an unsatisfactory state, and that its vital interests are endangered, the case may be brought before the Presbytery for its consideration, either at the instance of the Presbytery itself, or by the minister, or by petition from elders or members of the congregation in full communion duly transmitted through the Session. In such cases the procedure is as follows:—

Record of Cases.

(1) When a Presbytery, as the result of any competent procedure on its part, has found the state of a congregation to be seriously unsatisfactory, and, after due pains in the use of counsel and admonition, has failed to remedy this state of things, it shall record in its minutes a statement of the facts brought under its notice, of the steps taken by the Presbytery, and of the results. And if it is further of opinion that there are *primâ facie* grounds for thinking that the failure may be due wholly or partly to defects or errors personal to the minister, it shall embody the said grounds in its statement; and a certified copy of that statement shall be furnished to the minister concerned, with notice of the time when it is to be further considered.

Procedure.

(2) At a subsequent meeting the Presbytery shall hear any statement the minister may make, receiving and recording any relevant matter which he may tender to be recorded on his behalf. It shall also be competent to receive and record verbal or written statements by persons in the communion of the United Free Church, who are or have been members of the congregation, bearing on the question how far the existing state of things is to be traced to the minister. If, finally, the Presbytery is constrained to conclude that the ends of the ministry are not being served, and that this state of things is likely to continue, and, further, that the state of the congregation is due to defects or errors personal to the minister, it shall record its judgment upon both heads, with any additional statement of the grounds of it which it shall find to be just and necessary.

Dissolving Pastoral Tie.

(3) Thereupon the Presbytery may exercise the power of dissolving the pastoral tie and declaring the charge vacant. In all cases in which the pastoral tie is dissolved in this manner the Presbytery shall report specially to the Assembly all the circumstances known to it which ought to be in view of the Church in dealing with the question of a retiring allowance for the minister.

(4) The procedure and final judgment of the Presbytery are subject to appeal and complaint in ordinary form to the superior Courts; but when the Presbytery has taken the steps authorised in rule (1), it shall proceed in face of all appeals until it has disposed of all questions arising out of rule (2). Appeal or Complaint.

(5) When a Presbytery, having reached the stage of drawing up the statement prescribed in rule (1), is of opinion that *primâ facie* grounds exist for thinking the unsatisfactory state of things to be due wholly or partly to the fault of any office-bearers or members of the congregation, it shall furnish certified copies of its statement of such grounds to all parties concerned, and cite them to the meeting of Presbytery at which the case is to be further considered. It shall proceed in the same manner as in the case of a minister. Failure due to Office-Bearers or Members.

(6) If the Presbytery find thereafter that the unsatisfactory state of things is due wholly or partly to the fault of any office-bearers or members, it may in such case remove from office, or order disjunction certificates to be given, or suspend from Church membership, as the justice of the case and the interests of the congregation may require. The provisions of rule (4) regarding complaints and appeals shall apply also to cases arising under this and the preceding rule.

(7) No case shall be dealt with under these rules which involves the moral character or doctrinal views of any minister, office-bearer, or member of the church. Cases of Discipline excluded.

Division III. *Department of Special Relations to the Superior Courts.*

1. A Presbytery can make no change on its designation or bounds without leave of the General Assembly. With a view to holding any meeting during the sittings of the Provincial Synod to which it belongs, or during the sittings of the General Assembly, a Presbytery must obtain the leave of the Synod or the Assembly to do so. Change of Name, etc.

2. The Presbytery is responsible to the Synod for the correctness and accuracy of the permanent record of its proceedings. The minute-book must be submitted to the Synod when called for, which should be at least once a year. And it is competent for the Synod, on examination of the Presbytery records, to take notice of any irregularity, omission, or error, not only in the language or form but also in the substance of the minutes, and to exercise their powers of review thereanent. Responsibility to Synod as to Record.

3. A minister or probationer of another Church, who desires to be admitted as a minister or probationer of this Church, must apply, in the first instance, to the Presbytery within whose bounds he has taken up his residence. The Presbytery has no power to admit him, but must fill up answers to certain questions regarding the applicant, and transmit its answers and his petition to the General Assembly. (For the questions see Appendix VI., No. xv., page 268.) This does not Application of Ministers of other Denominations.

apply to ministers of another Church qualified to be elected and called to charges in this Church (see Division I. 7, page 39), who have been duly called to such charges; nor to ministers without charges nor probationers of the Presbyterian Church of England.

Colleagues and Successors: In former Free Church Congregations.

4. In the case of former Free Church congregations a Presbytery, when it has decided that a congregation should be allowed to call a colleague and successor to its pastor, is required to forward a certified extract minute of its procedure in the case and its deliverance on the application to the clerks of Assembly not later than the last Wednesday of February, in order that it may be laid before the Commission of Assembly at its meeting in March with a view to its transmission to the next General Assembly. It is the duty of the Presbytery to instruct its clerk to this effect. All relative documents must be transmitted along with the minute.

In former United Presbyterian Congregations.

In the case of former United Presbyterian congregations the Presbytery itself has the power to grant the application. But in these cases, when aid is required from central funds, care must be taken that the provisions of pars. 13 and 56, Division I., pages 40 and 52, as to communication with the committees in charge of these funds be fully complied with. Presbyteries are required to report to the General Assembly all cases which they sanction and the pecuniary arrangements in each case.

In New Congregations.

In the case of congregations formed or admitted subsequent to the Union, if the minister retiring is to draw an allowance from the Aged and Infirm Ministers' Fund of the Free Church, his application must be made through the Commission to the General Assembly as above; if from the Aged and Infirm Ministers' Fund of the United Presbyterian Church, the application is made to the Presbytery. This arrangement is to be regarded as provisional.

Right of Appeal.

The right of appeal to the General Assembly is reserved in cases in which the committee or committees concerned do not acquiesce in the judgment of the Presbytery.

Aid for Assistants.

5. The regulations as to a Presbytery's procedure with relation to the appointment of a colleague and successor apply also to any case in which pecuniary aid is sought to enable a congregation to provide a minister with an assistant. In particular, the preparation and transmission of an application to the Assembly are required in the case of former Free Church congregations in the same way as in an application for a colleague and successor.

Aged and Infirm Ministers' Fund.

6. Meantime applications to be placed on the Aged and Infirm Ministers' Fund from ministers of former United Presbyterian congregations are transmitted by the Presbytery to the Committee in charge of the fund, which decides upon them, subject to appeal to the General Assembly. The Committee reports to the Assembly the grants which it has made during the year.

In all other cases applications for grants from that fund

must be submitted to the General Assembly, and must be forwarded by Presbyteries to the clerks of Assembly not later than the last Wednesday of February, in order to their being laid before the Commission at its meeting in March.

Sanctioning of Charges.

7. The minute of Presbytery recording its opinion in favour of an application for the sanctioning of a new pastoral charge within its bounds, or recommending the dissolving of a congregation or the reducing of it to a station, must be transmitted to the clerk of the Synod not later than ten days before the meeting of Synod. It must embrace a full statement of the case, as presented by documents before the Presbytery, and as known to the members through presbyterial superintendence or personal acquaintance. The documents upon which the statement and opinion are founded must also be transmitted at the same time.

Student Missionary.

8. When application is made to the Home Mission Committee on behalf of a station for aid, or by a congregation for aid towards the support of a missionary assistant or student missionary, the application must be forwarded through the Presbytery, which shall also report to the Committee its judgment thereanent.

Collections appointed by Assembly.

9. It is the duty of Presbyteries to observe carefully the instructions of the General Assembly respecting the various collections appointed and operations instituted by the Assembly, and carried out by means of its committees or otherwise, for the welfare of the Church and the furtherance of the Gospel at home and abroad.

Transference of Buildings, etc.

10. The consent of the Presbytery is required for the sale or transference of churches or manses, or other buildings which, by their title-deeds, have become the property of the United Free Church of Scotland. The minute recording consent must, along with the application of the local parties, be forwarded to the General Assembly, which alone has power to sanction the sale or transference.

Approval, etc., of Overtures transmitted by Assembly according to Barrier Act.

11. It is the right and duty of every Presbytery to take its part in the legislation of the Church, by approving or disapproving of overtures transmitted by the General Assembly, with a view to such overtures being passed into standing laws, in terms of Act IX. Assembly 1697, commonly known as the Barrier Act. (See Appendix III., No. I., page 177.)

Sessions to be consulted.

Presbyteries are instructed, in dealing with overtures under the Barrier Act, to give Sessions within their bounds an opportunity of reporting their opinions upon them, which shall be tabulated by the Presbytery clerks and transmitted to the Assembly.

The Presbytery shall previously fix a day for the consideration of such overture. If it be thought desirable, a committee may in the first instance be appointed to consider the overture, and to report.

Presbyteries must either approve or disapprove of the overture. A qualified approval, or a proposed amendment, is held equivalent to rejection. Any suggestions in view of a

possible reconsideration of the subject of an overture by the General Assembly must be kept entirely distinct from the approval or disapproval of the overture. A form to be used by Presbytery clerks in making returns is sent out by the clerks of Assembly, and all such returns must be transmitted to the clerks of Assembly not later than the first day of May in each year. (See Chap. VIII., Sect. II. 5-7, page 102.)

Election of Representatives to Assembly.

12. The members of the General Assembly are annually elected by the Presbyteries of the Church. Each Presbytery elects a definite number of ministers and elders as fixed by Act of Assembly to be its commissioners to the ensuing Assembly—the number of elders being equal to the number of ministers, and the number of each being as nearly as may be one-third of the number of pastoral charges and professorial chairs.

(1) The clerks of Assembly intimate to all Presbyteries concerned any changes in the number of representatives to be elected by them.

(2) If a Presbytery be dissatisfied with any intimation made to it by the clerks of Assembly as to its proportion of representation, it may appeal to the Assembly itself against the intimation.

(3) The election must take place at an ordinary meeting between the hours of eleven A.M. and eight P.M., at least forty days before the meeting of the Assembly, and not earlier than a calendar month before the first of these forty days. An exception is allowed in favour of Presbyteries in the Northern and Western Islands, which may elect their commissioners on any day before the first day of May, a resolution to elect having been adopted and minuted not less than fifteen days before.

(4) Every Presbytery must, at least ten days before electing its commissioners to the General Assembly, appoint and minute a day and place for the election. The meeting for election must be held at the usual place or one of the usual places of meeting.

(5) On the day appointed, and within the specified hours, the Presbytery proceeds to elect its commissioners. The law of the Church recognises nothing but free election; and the Presbytery may follow any practice it chooses in making its election, but it cannot adopt a binding rule on the subject. No person can be elected as a minister or professor who is not, in that capacity, a constituent member of Presbytery. But any ruling elder is eligible, whether a member of a Session within the bounds of the Presbytery or not, of whom it can be certified *bonâ fide* that he is an acting elder in a congregation of the United Free Church. Under this rule no person who is a ministerial member of any Presbytery can be elected as a representative elder to the Assembly. In the election of elders as commissioners, respect should be had to the interests of the several Sessions within the bounds.

(6) Any minister or ruling elder who has been elected a commissioner by a Presbytery to the General Assembly may

intimate, at a subsequent meeting, his resignation of his commission. In the event of such intimation, or in the event of the death of a previously elected commissioner, the Presbytery may elect another in his room at any subsequent period prior to the meeting of Assembly, provided this be done between the hours of eleven A.M. and eight P.M. No election is valid which is made after the Assembly has met.

(7) Printed forms of commission are furnished by the clerks of Assembly to the clerks of Presbyteries. They contain, *inter alia*, a form of attestation which embraces the qualifications of the elected commissioners. This, as well as every other part of the form, must be carefully and exactly filled up, and read over in the presence of the Presbytery. The minutes of Presbytery must be so drawn up as to correspond to the form.

(8) The commission to a Presbytery's representatives, attested by the signatures of the moderator and the clerk, ought to be sent to the clerks of Assembly at least one week before the day appointed for the meeting of Assembly.

Certificates that they are *bona fide* acting elders in favour of all elders who are appointed as commissioners must be in the hands of the clerks of Assembly before such commissioners can take their seats. (For Forms of Commission and Certificate see Appendix VI. No. XVII., page 270.)

CHAPTER V.

THE PROVINCIAL SYNOD.

SECTION I. *Constitution and Officials.*

How formed.

1. The General Assembly fixes the name and the constituent Presbyteries of each Provincial Synod.

Membership.

2. A Provincial Synod consists of (1) all persons, both ministers and representative elders, who are on the Rolls of the several Presbyteries within the province (See Ch. IV. Sec. I. 2, page 29); and (2) of such corresponding members, both ministers and elders, as may have been appointed and commissioned by neighbouring Synods. A Provincial Synod may associate with itself in its deliberations, *pro tempore*, any ordained minister who is present, but he cannot vote upon any question before the court. Ministers and elders from other Synods may be added to the Synod by the General Assembly as assessors for special purposes. With reference to these purposes they have the rights of members during their appointment.

Elder's Commission.

3. The commission from a Kirk-Session which constitutes a ruling elder a member of Presbytery, constitutes him also a member of Synod during the period for which that Commission is valid. He cannot be allowed to take his seat in the Synod, unless his name appear in the roll of his Presbytery, as certified to the Synod by the clerk of Presbytery, or on production of a commission in proper form. The form of commission must bear that he is elected to represent the Session in the Synod as well as in the Presbytery.

Corresponding Members.

4. Corresponding members may be commissioned by Provincial Synods to attend the meetings of neighbouring Synods. The Assembly has left it to each Synod to determine for itself whether or not it will make such appointments. Corresponding members have an equal right of speaking and voting with other members. Before being allowed to take his seat each of them must produce a commission in regular form.

Receiving of Commissions.

5. Commissions to ruling elders, or to corresponding members, may be received at any meeting of Synod, whether it be ordinary, adjourned, *in hunc effectum*, or *pro re nata*.

Moderator.

6. The Synod is presided over by a moderator, who is elected at each ordinary meeting immediately after the Synod is constituted and the roll adjusted. Any minister who is a member of the Synod may be elected to the office. He holds office till his successor is appointed at next ordinary meeting. His powers and duties are the same as those of the moderator of a Presbytery.

7. Each Provincial Synod appoints one or more clerks. A clerk may be appointed *ad vitam aut culpam*; or for a specified time; or during the pleasure of the Court. When it is not otherwise recorded, the appointment is during the pleasure of the court. On his appointment he solemnly promises to discharge the duties of the office with fidelity. It is his duty to write regular minutes of the Synod's proceedings, to submit them to the Synod for its approval, and to engross them in a permanent record; to give such extracts to parties as the Synod has allowed; and to take charge of all the Synod's papers, books, and documents. In the absence of the clerk, some one is appointed by the Synod to act as clerk *pro tempore*, whose appointment should be minuted, and the minute of the meeting should be signed by him as clerk *pro tempore*. The clerk of Synod receives a salary fixed by the Synod. He is also entitled to fees for extracts as regulated by the Synod. Clerk or Clerks.

8. The Synod appoints an officer, who is in attendance at its meetings and executes its orders. At his appointment he promises to perform the duties of his office with fidelity. He has a salary fixed by the Synod. Synod Officer.

9. Synods are entitled to assess the congregations under their jurisdiction in order to provide such funds as are necessary for carrying on their work. Synod Fund.

SECTION II. *Meetings and Procedure.*

1. An ordinary meeting of Synod is held either under an Act of Assembly, or upon regular adjournment from the preceding ordinary meeting. Each Synod has a usual place of meeting at which it meets at least once a year. Other ordinary meetings may be held at such places within the province as the Synod may appoint. The time of regular meetings for ordinary business is fixed by the Assembly. The Synod must at the close of an ordinary meeting formally adjourn, to meet again for its next ordinary meeting at a specified place. Ordinary Meeting. Place of Meeting.

2. A Synod may appoint a meeting *in hunc effectum*. The regulations for such meetings are the same as in the case of Presbyteries. (See Chapter IV. Section II. 5, page 31.) *In hunc effectum* Meeting.

3. During the interval between meetings of Synod the moderator has the power, either on his own authority, or on requisition from at least a quorum of members, to call a meeting *pro re nata*, to dispose of any business which has occurred, and which seems to require immediate attention. The first business after the Synod is constituted and the roll adjusted is the approval or disapproval of the moderator's action in calling the meeting. No other business is to be entered upon except the particular business for which the meeting has been convened. The meeting is called by circular stating the special business, signed by the moderator and the clerk, addressed to every minister of the Synod, and delivered or despatched through the post office in due time before the date fixed for the meeting. On *Pro re nata* Meeting.

receiving such notice, it is the duty of each minister to intimate the meeting to the member or members of his session who are members of the Synod. The Presbytery clerk gives notice to the representative elders of vacant congregations. If the moderator decline to call a *pro re nata* meeting after receiving a requisition to do so, the whole circumstances of the case may be brought before the Synod at its next ordinary meeting. In the event of the moderator having ceased to be a member of the court, his duties and responsibilities in relation to convening a meeting *pro re nata* devolve upon the clerk.

Quorum.

4. A meeting of Synod may be duly constituted provided a quorum, consisting of three members, two of whom are ministers, have convened.

Synod constituted.

5. A quorum of members being assembled the moderator conducts public worship and constitutes the Synod with prayer. In the event of the moderator being absent or having ceased to be a member of the Court the next preceding moderator who is present, or failing the presence of any ex-moderator the senior minister present constitutes the Synod.

Roll adjusted.

6. The first act of the Synod after being constituted is to adjust its roll.

Standing Business Committee.

7. A Synod may appoint a standing business committee which shall meet for examination of Presbytery records and as a committee of bills and overtures, at a sufficiently early hour on the day of the Synod's meeting to be able to report as soon as the Synod is constituted, the roll adjusted, and the moderator elected.

Committee of Bills and Overtures.

8. Where there is no standing business committee there should be at least two diets at each ordinary meeting. At the first of these a committee of bills and overtures is appointed, which meets in the interval between the first and second diets, and reports as soon as the second diet is opened. The moderator and clerk of the Synod are *ex officio* convener and clerk of this committee.

Opening and Closing.

9. Every diet of Synod is both opened and closed with prayer. The minutes must always bear at the outset that the Synod was constituted (which expression is understood to imply that it was constituted with prayer, and that a sufficient sederunt had been ascertained), and at the end that the meeting was closed with prayer. No minute can be sustained as valid if it does not mention these two particulars, and no extract from the minutes is valid which does not mention these, and which is not certified by the clerk as having been extracted by him from the records of the Synod.

Minutes.

10. After the roll has been adjusted and the moderator appointed, or after the Synod has been constituted at its second diet, either the minutes of last ordinary meeting, and the minutes of any *in hunc effectum* or *pro re nata* meeting which has been held in the interval, or the items of business as stated in the margin, are read for information. But having been already approved they are not submitted for the judgment of the Synod. The minutes of each diet are read, adjusted, and

approved at the commencement of the next diet; except those of the last diet, which are read, adjusted, and approved at the close of that diet. A committee may be appointed to revise the whole minutes of the meeting in its several diets before they are engrossed in the permanent record. After the minutes of any meeting have been approved by the Synod they cannot be altered except by the authority of the General Assembly. In adjusting the minute the Synod has no power to alter the *res gestæ*, the only question being the correctness of the minutes as a true account of what was done. The minutes of each diet of Synod, after they have been approved and engrossed in the permanent record, are signed by the moderator and the clerk.

Business arising out of former Minutes.

11. Immediately after the reading of the minutes or marginal notes of the previous meeting or meetings, any business arising out of these minutes is first taken up.

Examination of Presbytery Records.

12. When the Synod has no standing business committee the records of Presbyteries are called for at the first diet. A Presbytery whose record is not produced is liable to censure, unless a satisfactory explanation is given. A committee is appointed to examine the records produced and to report at the next diet.

Committees.

13. Every Synod is required to appoint a standing committee to summarise and report upon the presbyterial reports of the quinquennial visitation of congregations. A Synod may appoint other committees if it see cause.

Intimation of Adjournment.

14. When there is more than one diet, intimation is publicly made before each adjournment of the time at which the next diet will commence.

Time and Mode of Transmission of Papers.

15. All business to be brought before the Synod should be intimated to the Synod clerk, and all papers and documents intended for transmission to the Synod should be in his hands, not less than ten days before the date fixed for the meeting of the Synod. No papers are received at a later date, unless reasons satisfactory to the Court are assigned for the delay.

Business Committee.

Where there is a standing business committee the clerk convenes that committee at a suitable hour before the meeting of Synod; gives intimation of the time and place of its meeting to all parties in causes, all of whom have a right to attend the meeting for their interests; and submits to the committee the whole causes sent up to the Synod, with the papers and documents in each cause. The committee judges, subject to review of the Synod, as to the competency of each cause, and whether the papers and documents in connection with it are complete and in proper form, and decides upon its transmission or non-transmission accordingly. It reports to the Synod at the time appointed (see Rule 7 above) by reading its minutes.

When there is no standing business committee the clerk lays all causes and papers before the Synod itself, which remits them to its committee of bills and overtures with instructions to report at the beginning of the second diet.

Dissents anen Transmission.

16. Any member of Synod or party in a cause who is dissatisfied with the decision of the business committee or committee of bills and overtures, or any member of the com-

mittee who has entered his dissent, is entitled to be heard by the Synod when the report of the committee is given in.

Order of Business.

17. When the report of the business committee or committee of bills and overtures is disposed of, the Synod, having now its whole business before it, arranges the order in which the several causes are to be taken up, and proceeds to dispose of them.

New Causes.

The Synod may, for sufficient reason, receive any new cause during its proceedings, and may either itself judge of its competency or appoint the committee to meet and report as to its transmission.

Commissions to Corresponding Members.

18. Appointments of corresponding members to neighbouring Synods may be made at any diet. The commissions run till the next ordinary meeting of the Synod which granted them.

Records

19. The Synod is responsible to the General Assembly for the keeping of its permanent record. It must be sent up to the Assembly for examination and attestation, and should be in the hands of the clerks of Assembly not later than the third day of the Assembly's sittings.

An open Court.

20. The Synod is an open court, but may meet in private when it judges it necessary or expedient.

SECTION III. *Powers and Functions.*

Powers or Functions.

1. A Provincial Synod is mainly a court of review. All causes which can come before the Synod, except formal business and duties assigned to it by the General Assembly, are included under the head either of bills or of overtures. Under bills are included references from Presbyteries; protests and appeals; dissents and complaints; petitions and memorials. Under overtures are included overtures from Presbyteries addressed to the Synod, and proposals by members of the Synod to overture the General Assembly.

2. While their work is mainly that of judicial superintendence and review, Synods deal with the following causes in which their decision is final, except when otherwise specified as under:—

Causes with which it deals.

(1) General supervision of the interests of the church within their bounds, and promotion of the life of the church by annual conferences.

(2) Supervision of Presbytery records. The rules to be observed by Synods in the exercise of this supervision are the same as for Presbyteries in dealing with the records of sessions. (See Chap. IV., Sec. III., Div. II. 2, page 57.)

(3) Receiving and judging of reports of the quinquennial visitation of congregations by Presbyteries. For the procedure to be followed in dealing with these reports, see Chap. IV., Sec. III., Div. II. 4, page 58.

(4) Arrangements for visitation of Presbyteries, by deputies or otherwise, in promotion of the schemes of the church, or in connection with inquiries into religion and morals. For the

carrying out of this work synodical committees may be appointed, to be in correspondence with the standing committees appointed by the General Assembly, and to co-operate with them in promoting the schemes of the Church.

(5) Transmission to the General Assembly of overtures originating in the Synod itself.

(6) Judging appeals and references from Presbyteries, under limitation of right of appeal to the General Assembly in cases (*a*) affecting the doctrine or constitution of the Church; (*b*) affecting personal character or church standing; (*c*) proposing that congregations should be united.

(7) Any cause devolving upon Synods or specially remitted to them by Act of Assembly.

(8) The sanctioning of new congregations; it being understood that, in those cases in which a grant from a central committee is required, a deliverance of the committee, whose funds are concerned, is laid on the table of the Synod. The right of appeal to the General Assembly is reserved in cases in which the committee does not acquiesce in the Synod's judgment. Synods are specially instructed to report to the General Assembly the cases which they sanction, and the pecuniary arrangements in each case.

(9) Receiving reports from Presbyteries recommending that sanctioned charges be dissolved or reduced to the status of stations, and deciding regarding them. The decision of the Synod in such cases is subject to appeal to the General Assembly. Where no appeal is taken, Synods are required to report to the Assembly all cases in which sanctioned charges are dissolved.

(10) The appointment of representatives to the Committee of Assembly on the Nomination of Standing Committees.

3. No legislative power is given to Synods, and their judicial and administrative decisions are subject to right of appeal in cases mentioned above (6, 8, and 9).

CHAPTER VI.

THE GENERAL ASSEMBLY.

SECTION I. *Constitution.*

Membership.

1. The General Assembly, the Supreme Court of the Church, is a representative body consisting of ministers and elders in equal numbers, elected by Presbyteries under regulations which will be found detailed in Chapter IV., Section III., Division III. 12, page 64.

2. The number of representatives from each Presbytery is fixed by the Plan of Union as follows:—"A number of ministers equal to one-third of the sanctioned congregations and professorial charges within its bounds, and the same number of elders." Presbyteries are left perfectly free as regards the individuals to be elected. They should elect "such ruling elders as may attend"; and to secure this they are at liberty to elect elders of the Church beyond their own bounds, but the ministers must all be members of the Presbytery electing them. A newly sanctioned charge is not counted as increasing the number of charges in a Presbytery until a pastor has been inducted into it.

3. In addition to their commission, elders require a certificate from the Session to which they belong, of their being *bona fide* acting elders and having signed the Formula. A form of certificate is provided by the clerks of Assembly. The clause in the certificate of each representative to the General Assembly "that he has signed the formula," in the case of ministers and elders ordained previous to the Union, means that he has assented to the formula in use in that Church by which he was ordained (Act X., Oct. 1900). Before such commissioners can take their seats these certificates must be in the hands of the clerks of Assembly.

Representation of Mission Councils.

4. Mission Councils in the foreign field are also entitled to elect representatives to the Assembly under regulations contained in Act II., 1901. (See Appendix I., No. VI., page 145.)

Corresponding Members.

5. Besides the ordinary members of Assembly there are certain parties who have the privilege of sitting as corresponding members without a vote, viz.: (1) Missionaries—ministers or elders—ordained under the home Formula, at home on furlough, who are certified by the committee under which they act; (2) duly commissioned representatives from the Presbyterian Church of England.

6. Each General Assembly fixes the date and place of the succeeding Assembly. The General Assembly ceases to exist as soon as it is closed, and no provision has been made for summoning a special Assembly in the course of the year. Fixing Date and Place of Meeting.

7. The Assembly is presided over by a moderator, elected immediately after it has been constituted. The Assembly may elect any one of its members, who has been ordained to the ministry, to that office. Consultations, in a manner approved by the Assembly, are commonly held beforehand, in order that the person designated may have an opportunity of preparing himself for his duties. At the moderator's request any member who has previously been moderator of the Supreme Court may occupy the chair. Moderator.

The duties of the moderator, apart from the opening and closing addresses, are in substance the same as those of the moderator of a Presbytery or Provincial Synod. During the sittings of the Assembly he may be requested or instructed, as its organ or representative, to act in various ways which circumstances may require or suggest. He opens and constitutes next General Assembly, and presides till a moderator is elected. Further particulars respecting the duties of the moderator may be gathered from the Standing Orders.

8. The Assembly has at least two principal clerks, who are ministers. Their duties correspond generally to those of the clerks of the inferior Courts. They take charge of expediting the several parts of the arranged business in their order; and of minuting the proceedings, and publicly announcing the decisions. They also watch the procedure, so as to be ready to read all necessary documents; to call parties to the bar; and to see to any other matters that require attention. They divide the work by arrangement between themselves, but are jointly responsible for its completeness and accuracy. The minutes are authenticated by the signature of the moderator and one of the clerks. Clerks.

The Assembly has also a depute clerk who is a ruling elder of the Church, and who, among other duties, takes charge of the preliminary arrangements for the Assembly, the printing of the Assembly papers and minutes, the arrangements of the Assembly Hall, and other matters required for the convenience of the Court. He is also custodier of all the Assembly's papers, books, and documents.

Extracts of the deliverances of the Assembly, signed by one of the clerks, are sent to the parties who are entitled to receive them as soon as convenient after the close of the Assembly.

9. The Assembly also appoints one or more legal advisers, who are ruling elders, charged with the duty of revising libels in cases of discipline, and giving advice to the Assembly and its Commission in cases which involve legal considerations; also one or more law agents, who are ruling elders of the Church. Legal Advisers. Law Agents

10. A chief officer and a second officer are also appointed for the service of the Court. Officers.

11. The clerks and other officials now mentioned do not require re-election from year to year.

An open Court. 12. The Assembly is an open Court. But it may, when it sees fit, meet with closed doors.

Quorum. 13. A meeting of the Assembly may be duly constituted, provided a quorum consisting of three members, two of whom are ministers, have convened.

SECTION II. *Powers and Functions.*

Standing Orders. 1. The formal rules adopted by the Assembly for expediting its business are detailed in the Standing Orders. (See Appendix II., page 153.)

Ordinary Business. 2. The ordinary business of the Assembly consists mainly of two parts:—(1) Reports from committees; (2) Matters brought up from the inferior Courts. Members desiring to introduce any special subject for the consideration of the Assembly must do so in the form of an "Overture from members of the House."

Business Committee. 3. The time and order in which business is to come before the Assembly is arranged by the "Business Committee," which is appointed at the first diet of the Assembly, and meets in the evening of the same day and afterwards as may be found necessary, and reports to the Assembly. Letters addressed to the moderator for communication to the Assembly are submitted to this committee, which determines whether they shall be brought before the House.

Committees. 4. Committees which report to the Assembly are of two classes:—(1) Those which are appointed during the Assembly to report to a subsequent diet; (2) Those which are intrusted (with special powers, if necessary) with business to be conducted by them in the course of the year. Regulations as to both classes of committees will be found in the Standing Orders.

It is usual to refer to committees of the first class all matters involving the preparation of documents, or the investigation of details; such, *e.g.* as the preparation of an Address to the Monarch, the investigation of applications for sales of property, and questions in dispute between parties in inferior Courts which cannot conveniently be entered into at the bar of the House. Several such committees are regularly appointed every year, and are named on the first or second day of the Assembly's meeting. But any special committee, which the Assembly may agree to appoint in the course of its proceedings, is not appointed till one day after the names proposed have appeared in the "Daily Proceedings," whether it is to report to the Assembly which appoints it, or to its Commission, or to the next Assembly.

Production of Papers. 5. Business brought from the inferior Courts is introduced by the production of papers from these Courts, which are printed according to regulations to be found in the Standing Orders. The Committees on Bills and Overtures, appointed at the first diet of the Assembly, are charged with the duty of examining

these papers and reporting on their being in proper form for presentation to the Assembly.

Different classes of this business call for different procedure:—

Appeals and Complaints, References, Petitions.

(1) Appeals or complaints against judgments of inferior Courts, and references and petitions, require the appearance at the bar of the Assembly of persons representing all parties concerned. For further procedure with these, see Chapter VIII., Section V., and the Standing Orders of the Assembly.

Overtures.

(2) Overtures should be introduced to the House by a member of the Court from which they come, appointed for the purpose, who is also a member of the Assembly, or failing such by a member of the House interested in the subject of them, otherwise they are liable to be passed over without notice.

Where the particular matter to which an overture refers is otherwise fully before the Court, the Court has the power to decide whether any one shall be specially heard in support of such overture. It may also decide, when there is more than one overture on the same subject, that only one speaker be heard in support of them.

Legislative functions.

6. The functions of the Assembly are legislative as well as judicial and administrative. It deliberates on matters which concern the whole Church in her doctrine, worship, discipline, and government, and declares the mind of the Church thereupon, so as from time to time to determine and regulate its constitution and laws. It may do so by way of what is called a Declaratory Act, which declares for the guidance of the Church what the Assembly holds the law of the Church to be on any point on which questions have been raised. Such an Act may be passed by the Assembly itself, without reference to Presbyteries; though Declaratory Acts on matters of difficulty or importance are often sent down to Presbyteries before the Assembly passes them. But when any proposal to pass an Act of Assembly, in any form, is such as involves "alteration or innovation in either doctrine or worship or discipline or government" of the Church, it must, in order to become a "binding rule" of the Church, be first submitted as an overture to the Presbyteries of the Church for their consideration, and can be finally passed only after the approval of a majority of Presbyteries has been obtained. (See Chapter IV., Section III., Division III. 11, page 63.) Regulations of immediate importance may be passed as *Interim Acts* until the approval of Presbyteries has been secured.

Remit to a Special Commission.

7. The General Assembly may remit any cause before it to a Special Commission of its members with such powers as the General Assembly shall see fit. And, unless it is otherwise provided in the terms of its appointment, the Special Commission shall have power to travel in, decide, and pronounce sentence in the cause; and its decision and sentence shall be final, and shall have the force and effect of a decision and sentence of the General Assembly, and shall be reported to the next General Assembly. The Special Commission may, if it see cause, refrain (*a*) from deciding and pronouncing

sentence in the cause, or (*b*) from pronouncing sentence, although it decide the cause; and may report the cause to the General Assembly, so that the latter may itself issue the cause. The Assembly may instruct such a Special Commission to report to the Ordinary Commission at any of its stated diets, authorising the latter to deal with any appeal or question arising out of the Report. But the Ordinary Commission has no power to deal with the Report beyond what may be conferred on it by the Assembly's deliverance.

Nobile Officium. 8. The General Assembly, being the supreme judicial, legislative and administrative Court of the Church, has a *nobile officium*. In virtue of this it may deal with and dispose of any matter which may arise and which is not provided for in the Rules of the Church or its Forms of Procedure. It may also, in virtue of its *nobile officium*, deal with and dispose of matters and cases provided for by these Rules and Forms in a way other than as therein directed, as shall seem to the General Assembly right and needful for doing justice in the particular case; but this should not be done save in circumstances exceptional in their character, or which appear in the particular case to render such a course necessary.

Decisions of General Assembly final. 9. The General Assembly being the Supreme Court of the Church its decisions, whether on the merits of a cause or on matters of procedure, are final.

Application to a Civil Court excluded. Application by office-bearers or members to the civil power or courts for reduction, restraint, review, alteration, or control of the procedure in the congregations or Courts of the Church, or of their decisions, is excluded. Parties in causes before the Church Courts, or affected by their decisions, are accordingly precluded from recourse to the civil courts in regard to these.

Dissents. 10. Although there is no Court to which an appeal from a deliverance of the Assembly can be carried, it is open to any member, who is dissatisfied, to have his dissent recorded in the minutes, provided he gives it in as soon as the decision has been pronounced and before the Assembly proceeds to other business. If reasons of dissent are given in along with it, or before the close of next sederunt, these also are recorded, but if they are given in subsequently they are not recorded. Members who adhere to the dissent, however, and who were present when the decision was pronounced, or absent with sustained excuse, can intimate their adherence at any subsequent stage.

Protestations. 11. At the last diet of the Assembly, after all other business is concluded, protestations are called for, that is, an opportunity is given to any one to protest that some decision of an inferior Court has become final, because some party has failed to prosecute his appeal or complaint.

Section III. *Committees of Assembly.*

Standing Committees. 1. The Assembly appoints a number of Standing Committees for the administration of its Schemes and Funds, and for the supervision of the various departments of the work of the Church.

2. The Standing Committees at present are:—(1) Sustentation and Augmentation Funds; (2) Home Mission; (3) Church and Manse Building; (4) Highlands and Islands; (5) Foreign Missions; (6) Colonial; (7) Continental; (8) Jewish Mission; (9) Youth of the Church; (10) Education; (11) College; (12) Aged and Infirm and Pre-Disruption Ministers' Fund; (13) Assembly Arrangements; (14) Finance; (15) Publications and Records; (16) Distribution and Employment of Probationers; (17) Nomination of Standing Committees; (18) Church Life and Work; (19) Sabbath Observance; (20) Temperance; (21) Praise. List of.

3. The Schemes and Funds or departments of work, under the charge of these Committees respectively, are indicated by their names. The Committees are guided by the regulations and instructions of the Assembly. Duties and Regulations.

For details as to the size of these committees, mode of their appointment, duties assigned to them, and regulations for their guidance sanctioned by the Assembly, see Appendix II. Part II., page 165. Temporary and Occasional Committees.

4. The Assembly also appoints such temporary and occasional committees as it judges necessary, to deal with specific business and questions of public importance.

SECTION IV. *The Commission of Assembly.*

1. The Assembly appoints a Commission, consisting of all the members of the Assembly by which it is appointed, with the addition of one other minister or acting elder of the Church named by the moderator. This is done by an Act of Assembly by which its powers are defined. Membership.

2. The meetings of the Commission are fixed for the second Wednesday of August, the third Wednesday of November, and the first Wednesday of March, but it has power to fix additional meetings when required, though no private process can be determined at any such special meeting. Meetings.

3. The Commission chooses its own chairman, who is commonly the moderator of the preceding Assembly if present. The clerks of Assembly act as its clerks. Chairman. Clerks.

A quorum of the Commission consists of thirty-one members. The Commission appoints at each of its meetings a committee to revise the minutes of that meeting; and the minutes, when revised, are authenticated by the signatures of the chairman and one of the clerks. The record of the proceedings of the Commission must be submitted to the next General Assembly for examination.

4. The business of the Commission consists of specific matters referred to it by the Assembly with power to dispose thereof. The Assembly may remit any cause brought before it to the Commission in such terms as it approves. By the Act appointing the Commission, it is also empowered to dispose of references, appeals, or complaints, in matters connected with calls, translations and settlements of ministers Business.

and the status of congregations. Parties in causes have to appear at the bar of the Commission as in the Assembly. The Commission is further authorised at any of its stated diets, on request from the Foreign Missions Committee, to arrange for the ordination of such missionary agents as may be deemed suitable, it being understood that those thus ordained are not eligible for a charge in the home Church without special sanction of the General Assembly; and also to take up and dispose of such matters falling within the scope of the General Interests Committee as that committee may bring before it as urgently needing settlement. It is empowered to receive reports from Committees for information of the Church, and to give all needful advice and assistance to Synods, Presbyteries, and Committees of the Assembly upon application to it for that end. In all matters referred to it, the Commission is required to act in terms of its appointment, and is strictly prohibited and discharged from meddling in any other matters than those committed and referred to it, except where the interests of the whole Church are concerned in matters arising subsequent to its appointment by the Assembly. In this case, it is instructed to advert to the matter and see that the Church do not suffer or sustain any prejudice which it can prevent, as its members shall be answerable.

5. What is determined at one diet of the Commission as to private causes, cannot be altered at another diet, but continues in force, unless disapproved of by the next General Assembly.

6. In the particular causes and matters referred to the Commission, with power to dispose thereof, its sentences are final. In judging of these causes and matters, it acts as the Assembly does. But it cannot execute its own sentences. If any of them be disobeyed, the matter must lie over till the meeting of the next Assembly. Protests and complaints may be taken against sentences of the Commission, on the ground of their being *ultra vires*, or contrary to law, and the matter may be brought up to next Assembly. But no such process will justify disobedience in the meantime. If it appears that the Commission has exceeded its powers, or has acted in any way contrary to the Acts or Constitution of the Church, the next Assembly may set aside or reverse its procedure.

Pro re nata Meetings.

7. It shall be the duty of the Clerks of Assembly, on receiving a requisition to call a meeting of the Commission, signed by a quorum of the Commission, or on instruction from the Assembly Arrangements Committee so to do, forthwith to issue a notice signed by them to all the members of the Commission, summoning them to a meeting, to be held not sooner than ten free days after the date of the notice, in the usual meeting-place of the Commission. The requisition to call the meeting must state the purpose or purposes for which such special meeting of the Commission is desired; and the business to be brought before the meeting shall be stated in the notice by the Clerks of Assembly calling it.

CHAPTER VII.

CHURCH DISCIPLINE.

SECTION I. *Of Discipline in general, and the Different Kinds of Church Censure.*

Nature of Discipline.

1. Discipline is an ordinance appointed by the Lord Jesus Christ as King and Head of the Church, to be administered by the Church in His name and under His authority by methods in harmony with the constitution of the Church as a spiritual community.

Ends of Discipline.

2. The ends contemplated by discipline are the maintenance of the Church's purity, the spiritual benefit of her members, and the glory of the Redeemer.

Ground of Discipline.

3. The ground of discipline is a sin or offence of the nature either of doctrinal error or of grave impropriety of conduct, especially when, on account of its publicity, the sin or offence is a scandal, and is calculated to bring a reproach on religion. In regard to sins or offences which are not publicly known, the ends of discipline may, in many cases, be attained by private admonition, counsel and reproof.

Standards by which Faith and Conduct are tested.

4. The Holy Scriptures of the Old and New Testaments, and their exposition as set forth in the Westminster Confession of Faith, as accepted by this Church, are the standards by which faith and conduct are tested.

Subjects of Discipline.

5. The subjects of discipline are office-bearers, members, and baptized persons who are adherents.

6. Discipline consists in the administration of the appropriate censures of the Church to those whose conduct shall have given occasion for it.

Censures.

7. The censures of the Church are admonition, rebuke, suspension, deposition from office, and excommunication; and they are only administered on confession or proof of sin or offence.

Admonition and Rebuke.

(1) *Admonition* consists in addressing the offender, placing his sin or offence before him, and exhorting him to greater circumspection. In the case of a minister or probationer this is done in the Presbytery or the Synod or the General Assembly; in other cases, in or by authority of the Session or other Court; and in each case by the moderator of the Court.

Rebuke, which is always accompanied with admonition, is a severer form of censure involving reproof.

These censures should be administered with all solemnity, and should be wisely adapted to the circumstances of the case.

Suspension from Full Communion.

(2) *Suspension from full communion*, as a censure, is a temporary exclusion from the privilege of sealing ordinances, and other rights of membership. Its object is deeply to impress the mind of the offender, to afford opportunity of judging of his professions of repentance, and to give a public testimony against the offence to the Church and to the world. While under suspension, the offender remains under the care of the Court having supervision (see Sect. VII., page 95). The suspension may or may not be for a specified period, and is removed as soon as sufficient cause for its removal appears. This is to be distinguished from suspension during the investigation of a charge, which is not to be considered as of the nature of a censure at all.

Suspension from Office.

(3) *Suspension from office*, as a censure, debars from the privileges and duties of the office. It is either for a specified period, or *sine die*. In neither case is it removed until sufficient cause appear for doing so, and in the former case it is not removed before the expiry of the period specified. Suspension of an office-bearer from the privilege of full communion is uniformly accompanied with suspension from office; but there may be cases in which the latter is expedient, while no sufficient grounds exist for the former. In the case of a minister, suspension from office for a specified period may be, and suspension *sine die* is, accompanied by removal from his charge.

Deposition.

(4) *Deposition* consists in depriving an office-bearer of the office with which he is invested, and is resorted to only in very serious cases.

Excommunication.

(5) *Excommunication* or exclusion from the Fellowship of the Church is resorted to only in cases of peculiar aggravation, when all other means of reclaiming the offender have failed, and when he continues impenitent and contumacious.

Nature of Church Censures.

8. These censures are not of the nature of penance or satisfaction in order to the remission of sin; neither are they of the nature of punishment or the exercise of retributive justice; but they are means of grace used for the recovery of the erring from sin and peril, for the protection of Christ's people from occasions of stumbling, and for the edification of the Church.

Primary Court of Discipline.

9. The primary Courts of discipline are, the Session in the case of elders, deacons, members, and baptized persons who are adherents; and the Presbytery, in the case of ministers and probationers.

Appeals in cases of Discipline.

10. Decisions in cases of discipline may be brought under review by protest and appeal by a party to the case, or by dissent and complaint by a member of the Court, from the Session to the Presbytery; from the Presbytery to the Synod; and from the Synod to the General Assembly; but in the case of decisions of a Presbytery given after the last meeting of the Synod before the meeting of the General Assembly, or during the sitting of the General Assembly, a protest and appeal, or dissent and complaint, is taken from the Presbytery direct to the General Assembly.

11. In all matters of discipline office-bearers and members of the Church are bound to abide by the decision of the Session, Presbytery, Synod, or General Assembly; and recourse to a civil court against any decision of any of the Church Courts in such matters, or against the execution thereof, is excluded. Recourse to Civil Courts excluded.

SECTION II. *Procedure common to Sessions and Presbyteries as Primary Courts of discipline.*

1. The function of Sessions and Presbyteries in discipline is to make full inquiry into any allegation or *fama* affecting persons under their jurisdiction, with the object of ascertaining the truth; and on ascertaining it, to take such action as the circumstances demand. Their Function in Discipline.

2. The spirit in which the inquiry and all further proceedings are to be conducted is that of Christian brethren acting with a view to the spiritual welfare of the person concerned and the edification of the Church. Severity and respect of persons must be carefully avoided, and the whole proceedings ought to be distinguished at once by gentleness and faithfulness. Spirit in which Proceedings should be conducted.

3. A Session or a Presbytery may take up a case for discipline either at its own instance, or on a complaint or allegation made to it by an individual. Inception of a Case.

4. When such a case has been brought forward in a Church Court, careful consideration is first given to the question whether it is one with which it is competent and proper to deal. No case should rashly be made a subject of inquiry; and in the exercise of discipline there ought to be no unnecessary intermeddling with matters which are purely civil, nor any undue solicitude to pry into the private conduct or family concerns of individuals, to interfere in personal quarrels, or to engage in the investigation of secret wickedness. The Court to consider if the Case is one with which it is competent and proper to deal.

5. When a complaint or allegation affecting the doctrine or the conduct of a person subject to the jurisdiction of the Court is made by any one, the person making it is required to submit it in writing, with a statement of the grounds on which he makes it, and the sources of his information. Before approaching the Church Court, he should communicate his intention to do so to the person concerned; otherwise the Court may decline to receive his complaint. If the Court, after consideration, decides that the case is one which should be inquired into, it takes the conduct thereof into its own hands, and institutes an inquiry. If the Court decides that the case is not one which should be inquired into, the person who made the complaint or allegation is entitled to protest and appeal to the next higher Court. What is required of any one making a Complaint or Allegation. The Court takes Conduct of the Case into its own hands.

6. When the Court has satisfied itself that there ought to be inquiry, it may appoint one or more of its members to meet with the person concerned, acquaint him with the matter which has been brought to its cognisance, and confer with him there- The Court may arrange Conference with the Person concerned.

anent. Judicious and friendly conference may facilitate a satisfactory settlement of the case. It is the duty of the person concerned to be candid, and, in so far as there may be truth in the matter alleged, to make full confession.

Duty of Person concerned.

Case of Personal Offence.

7. In a case of personal offence, it is the duty of an office-bearer or member of the Church, before bringing a complaint against any person, to have recourse to private dealing with him, agreeably to our Lord's precept in St. Matthew's Gospel, xviii. 15-17. Until he has followed this course without obtaining satisfaction, he is not warranted in bringing his complaint before the Court to which the alleged offender is amenable.

8. If the complainer, failing to obtain satisfaction by private dealing, brings the matter before the Court, it may appoint one or more of its members to converse with both parties with the view of disposing of the case.

Time within which the Court must take action.

9. When an allegation or a *fama* of a sin or an offence has been brought to the knowledge of the Church Court which should take cognisance of it, timeous action ought to be taken in the case. If no action has been taken within two years from the time of its being brought to the cognisance of the Court, or if it has not been noticed in order to censure for the space of five years, it should not afterwards be taken up unless, in either case, it be of a heinous nature, or the *fama* become again flagrant.

Procedure preliminary to a Formal Inquiry.

10. Should it be deemed advisable, after the meeting provided for in par. 6 of this section, to proceed further with the case, the Court may do so by a formal inquiry. Before proceeding to a formal inquiry, the Court defines explicitly the matter proponed for inquiry. It then considers whether the matter is one which requires or warrants the Court to take further action. A complaint or an appeal against the finding which defines the matter proponed for inquiry sists procedure until disposed of. A complaint or an appeal against a resolution to take further action, is competent at this stage, but does not sist procedure. Complaint or appeal against a resolution to refrain from taking action is also competent.

Complaint or Appeal.

Confession in whole.

Partial Confession.

11. When the person concerned confesses the sin or offence alleged against or attributed to him, the Court proceeds to appoint and administer such censure as the circumstances require. When partial confession is made to such an extent as to warrant censure, the Court may at once proceed to appoint and administer such censure as the circumstances require; or it may, if such course appears to be called for in the faithful discharge of its duty, proceed with an inquiry as to the remainder not confessed to, and delay appointing and administering censure till the conclusion of the inquiry. When confession is made by a minister or elder, it is reduced to writing, signed by the minister or elder concerned, and recorded in the minutes.

Reduced to Writing.

12. When it has been resolved to proceed to formal inquiry, the Court takes care that the person concerned is duly informed

of the matter to be inquired into, and of the time and place at which the inquiry is to be proceeded with, and at which his presence is required. He may be cited *apud acta*, if present when the resolution to make formal inquiry is agreed to; otherwise a written citation by the clerk of Court shall be served on him, either by the officer of Court delivering it to him personally, or leaving it for him at his ordinary residence in presence of a witness, or by the clerk of Court sending it to him by registered letter to his ordinary residence. In either case he is furnished at the time with a certified copy of the formal statement of the matter to be investigated with a copy of the order to serve written upon it and signed by the clerk. In the case of persons subject to the Session as the primary Court of discipline, this statement may be, and in the case of ministers shall be, in the form given in the Appendix, with such modifications, if any, as may be necessary. At least ten free days must elapse between the time of citation and the time of the meeting for formal inquiry. In the case of citation by registered letter the ten days are reckoned from twenty-four hours after the time of posting. When the citation is served by the officer, he writes a certificate of service on the formal statement; when it is sent by registered letter, the clerk writes the certificate of service. (For Forms of Statement of Matter for Formal Inquiry, Order to Serve, Citation, and Certificate of Service see Appendix VI., No. XVIII. 1, 2, 3, and 4, pages 271-273.)

Person concerned to be duly informed regarding formal Inquiry.

Manner of Citation.

Nature of Statement to be furnished.

Interval between the Citation and the Inquiry.

13. Should the person concerned fail to appear at the appointed meeting, a second citation, with certification, to attend another meeting, duly fixed, to be held not sooner than eight days after citation, is served on him at his ordinary residence, either personally or by being left at or sent by registered letter to his ordinary residence, as aforesaid,—the eight days in the case of citation by registered letter being reckoned from twenty-four hours after the time of posting; and should he again fail to appear, without adequate reason, the Court may hold him as having confessed, or may proceed with the inquiry in his absence, and in either case dispose of the cause. He may also be dealt with for contumacy, either without proceeding with the inquiry, or after proceeding with it as may in the circumstances be considered advisable.

Failure of Person concerned to appear.

14. The Court shall take the necessary steps to secure the presence of all persons whom the Court or the person concerned may think qualified of their own knowledge to furnish information on the subject-matter of inquiry. Members of the Church, when duly cited by a Court, are under obligation to attend at the inquiry for the purpose of giving information.

Arrangements made for presence of Persons qualified to furnish Information.

Members of the Church bound to attend.

15. The investigation is conducted in presence of the person concerned, but may be proceeded with in his absence should he not appear, either at the meeting to which he is cited, or at any subsequent meeting for the consideration of the case. Notice of such subsequent meeting should, if possible, be given to him. Should request be made that any one brought forward for examination be put on oath, the

Investigation conducted in presence of Person concerned.

Examination on Oath.

Court decides whether this shall be done. (For Form of Oath, see Appendix VI., No. XVIII. 5, page 274.)

Objections to Persons brought forward for Examination, or to Questions put.

16. Any member of the Court or the person concerned may object, for reasons stated, to any one brought forward for examination, or to any question that may be put, or to any documents or other productions that may be proposed to be used; and such objections shall be disposed of by the Court. A complaint or an appeal against the decision of the Court disposing of such objections does not sist procedure.

Information obtained to be recorded in a separate paper.

17. The information given by the persons examined shall be recorded in a separate paper. It shall be taken down either by the clerk of the Court, or by a member of the Court appointed for the purpose, or in shorthand by a skilled shorthand writer. In general, it should be taken down in narrative form, and not in the form of question and answer; but important questions and answers should be recorded at length. In every case, after a person's examination is ended, his statement as taken down is read over to him, that he may have the opportunity of correcting any inaccuracies; and after any such are corrected, he is asked to say whether the statement is correct; and the record shall bear at the end of each person's examination that this has been done, and that he has declared that his statement as recorded is correct. In the case of statements taken down in shorthand, the shorthand writer shall furnish a transcript thereof, which shall be authenticated by his signature, and by a statutory declaration by him that it is a true and correct transcript of the statements as taken down by him. In the case of statements taken down not in shorthand, they shall be authenticated by the signature of the clerk of the Court, or of the member of the Court who has taken them down. (For Form of Declaration, see Appendix VI., No. XVIII. 6, page 274.)

Authentication of Statements.

Examination of Persons unable to attend.

18. Should any one from whom information is desired be unable to attend, the Court may appoint two or more of its members to examine him, take down his statement in writing, and submit it, duly authenticated, to the Court. The person concerned and his adviser are entitled to be present at the examination and to put questions.

Procedure when the Sin or Offence alleged has been established.

Procedure when it has not been established.

19. When the result of the inquiry is to establish that the sin or offence alleged has been committed in whole or in part, the Court pronounces a finding to that effect. If no appeal or complaint is taken against that finding, it thereupon proceeds to appoint appropriate censure, and unless an appeal or complaint is taken against the censure appointed, to administer the same. When the result is that the Court considers that it has not been established that the sin or offence alleged has been committed, it pronounces a finding to that effect.

Case may be reopened.

The Court may preface its finding that the sin or offence alleged has been committed, in whole or in part, or that it has not been established that it has been committed, with findings that certain facts have been established, or that certain alleged facts have not been established; and in either case, if the Court thinks fit, it may accompany the finding disposing of the case

with such expression of opinion or such counsels as may seem to it suitable.

When the finding is that it has not been established that the sin or offence alleged has been committed, if in the providence of God new light should afterwards be cast on the case, the Court may reopen it, provided that, after careful consideration, it deems the reopening of it to be required in the interests of discipline.

An Appeal or Complaint against a Decision warranting Censure;

20. An appeal or complaint against a finding that the sin or offence alleged has been committed in whole or in part, sists procedure till it is disposed of. An appeal or complaint at any earlier stage does not sist procedure, with the exception of an appeal or complaint against the sufficiency of the formal statement. (See par. 10, page 82.) If no appeal or complaint is taken against the decision in the case, all appeals and complaints taken during the proceedings therein fall. If an appeal or complaint is taken, and the superior Court sustain the finding of the lower Court in whole or in part and the case is carried no further, it either appoints and administers censure, or remits the case back to the lower Court with an instruction as to what the censure should be. An appeal or complaint may be taken against the censure when appointed, although no appeal nor complaint has been taken against the finding on which it follows.

against the Censure.

Other Parties involved.

21. When a Court, on inquiry into a *fama* or allegation, affecting any person subject to its jurisdiction, finds that there is ground for further proceeding in the matter, and that the *fama* or allegation affects the character of any person or persons outwith its jurisdiction, who are members or adherents of the Church, it shall without delay communicate with the Court to which such person or persons are subject, in order that the parties, being duly informed of the proceedings already taken in the case, may have the opportunity of appearing for their interests before the Court in which further proceedings are to be taken; and that the Court subject to whose jurisdiction any such person is, may take such action as it shall judge to be called for, either in the way of dealing with the case itself or of citing all persons concerned as parties or as witnesses to appear before the Court by which proceedings have been instituted. When parties involved in a *fama* or allegation are subject to different Courts, it may be found advisable for each Court to appoint a committee to deal with the case, instructing it to proceed conjointly with any committee appointed for the same purpose by the other Court. Each Court must give judgment on the report of its own committee; but any member or adherent affected by such judgment, although not subject to the jurisdiction of the Court pronouncing it, has the right of bringing the matter before the superior Court by appeal or petition.

Confession involving others.

22. When a confession of sin is made to any Court by a member or adherent of the Church, involving any other member or adherent, a Court ought not to deal with it as regards one party alone, until after all reasonable steps have been taken

to bring the case of such other member or adherent before the Court having jurisdiction, with the view of having the case disposed of with due regard to the interests of all concerned.

Case may be referred to superior Court.

23. Should the matter involving members subject to different Courts be one of special gravity or difficulty, the Court taking up the matter may refer it *simpliciter* to the superior Court, that if all the parties are subject to its jurisdiction it may deal with the case, or if all the parties are not subject to its jurisdiction it may, by concurrence with any Court having jurisdiction over the person or persons concerned, arrange for its being dealt with by one process, or may, if it judge it more prudent, refer the whole matter to a higher Court.

Cases not fully provided for in the Rules.

24. If any case arises for which these rules do not make full provision, Sessions and Presbyteries have a discretionary power in the conduct of the case; but care must be taken that substantial justice is done to the person concerned, and full opportunity allowed him to vindicate his innocence or extenuate his guilt.

Courts to explain the Forms of Procedure, etc.

25. It is the duty of Sessions and Presbyteries and Synods to explain the forms of procedure fully and distinctly to parties concerned, and to show them how they may carry their case to the superior Court, if they desire to do so.

The Person concerned may have an Adviser.

26. While the Church does not permit the employment of Counsel in any of its Courts, it allows the assistance of advisers. In a formal inquiry by a Session, the person concerned may have the assistance, as his adviser, of any elder within the bounds of the Presbytery who is willing to act. In a formal inquiry by a Presbytery the person concerned may have the assistance, as his adviser, of any minister or elder of the United Free Church who is willing to act. If the cause is carried to a superior Court, the person concerned may there have the assistance, as his adviser, of any elder or minister of the Church who is willing to act.

Must give intimation to the Clerk of Court.

27. When a person concerned desires to have the assistance of an adviser in a formal inquiry, or in a superior Court to which the cause may be carried, he shall intimate in writing to the clerk of the Court in which he wishes to have such assistance, at least three clear days before the day fixed for the formal inquiry, or for the hearing of the cause before the superior Court, as the case may be, the name and address of the person who he proposes shall act as his adviser; and the sanction of the Court to the person proposed as adviser shall be required before he can act as such.

Sanction of the Court required.

Position and Rights of the Adviser.

28. The adviser counsels and assists the person concerned in the inquiry, and, as well as the person concerned, is entitled to put questions to the witnesses, and at his request and in his stead, to be heard on the whole matter at the close of the examination and conference (see Sect. III. 6 and 7, page 88, and Sect. IV. 12 and 13, pages 90, 91), and in reply after the address to the Court by one of the members appointed to lead in the examination. If the cause is carried to a superior Court, he counsels and assists the person concerned in presenting his case,

and may address the Court at his request and in his stead. He may also answer questions put by the Court. When the person concerned has the assistance of an adviser, he must himself be present during the conduct of the case, unless the Court consent to his absence.

29. Any person who has acted as adviser at any stage of a cause in any Court is thereby disqualified from taking part as a member, either of the Court in which he has so acted or of any higher Court, in the consideration and disposal of the cause. Adviser disqualified from taking part in the cause as a Member of Court.

30. One who acts as an adviser is under the same obligation as the members of the Court and the person concerned to assist in the expiscation of the whole truth. He is subject to the authority of the Court before which he appears, and the Court may at any time during the progress of the cause recall its sanction to the adviser to act as such, should his conduct give occasion for it, in which event he shall not be entitled to take any further part in the cause either in that or in any other Court of the Church. Duty of Adviser. Subject to the Court before which he appears.

SECTION III. *Procedure in the Exercise of Discipline in the Case of Members of the Church.*

1. When inquiry into an allegation or *fama* which has been brought under the notice of a Session is resolved upon, action is taken, in the first instance, in terms of Sect. II. 6, page 81. The members of Session delegated to meet with the person concerned hold friendly conference with him, apprise him fully of the allegation or *fama*, and invite him to make full and frank statements in relation thereto. When Inquiry is resolved upon, the Session appoint. Delegates to confer with Person concerned.

2. On the report of the delegates the Session either finds that there is no ground for further procedure; or if it considers that there is ground for such, it then deals with the case by further conference through delegates, or by requiring the party or parties to appear before it, or by a formal inquiry, or by such other action as shall be thought advisable. Report of the Delegates. Further procedure.

3. Should the Session require the person concerned to meet with it, it puts the alleged sin or offence before him, affectionately urges him to make a full and candid declaration of the truth, and in case of confession in whole or in part may act as provided in Sect. II. 11, page 82. Person concerned requested to meet with the Session.

4. Should the Session, after this meeting with the person concerned, deem it advisable that the case be proceeded with, it may proceed to a formal inquiry, unless the gravity or difficulty of the case require a reference to the Presbytery. If it proceeds to a formal inquiry, it fixes the time when the meeting for holding the inquiry shall be held, and requires the attendance of the person concerned at said meeting (Sect. II. 12, page 82). It also takes the steps necessary to secure the attendance of the persons who are to be brought forward for examination (Sect. II. 14, page 83). Reference to the Presbytery. Arrangements for a Formal inquiry

5. When formal inquiry is resolved upon, the person con-

Debarring from Sealing Ordinances.

cerned is debarred from the enjoyment of sealing ordinances till the issue of the inquiry.

Procedure when Person concerned appears.

6. When the person concerned appears, the Session first ascertains whether he adheres to the denial given by him at the previous meeting. Should he do so, the Session proceeds with the formal inquiry. Full opportunity is given to the person concerned to put any relevant questions to the persons examined. (See also Sect. II. 23-25, page 86.)

Person heard.

7. When the examination is closed, the person concerned is heard. (See Sect. II. 23-25, page 86.)

Session deliberates with a view to Judgment.

8. The Session then proceeds to deliberate with the view of coming to a judgment, but if it deems it expedient, it may delay judgment till another meeting, which shall be held as soon as convenient, and not later than one month. In a case of special difficulty, it may at this stage refer the case to the Presbytery.

May refer the case.

Censure appointed.

9. When the result of the formal inquiry is to establish that the sin or offence alleged has been committed in whole or in part, and no appeal nor complaint is taken, the Session proceeds to appoint adequate censure, and if no appeal nor complaint is taken against it, to administer the same.

Session may apply to the Presbytery for Assessors.

10. When a Session resolves on a formal inquiry into an allegation or *fama* affecting any one subject to its jurisdiction, it may, if it thinks it expedient, apply to the Presbytery for the appointment of assessors to sit with it in the inquiry. Where the membership of the Session is small, it is expedient that this rule should be acted on.

Discipline in case of members removing.

11. Where an allegation is made or a *fama* arises affecting a member of the Church between the time of his obtaining a certificate of disjunction from one Session and lodging it with another, the matter is dealt with by the Session which disjoined him, but if he has lodged his certificate with another Session the latter takes up the matter.

Certificates to persons under inquiry or suspension.

12. A certificate of disjunction is not to be granted to a member in regard to whom a case is pending, or who is under suspension, except as provided in Sect. VII., 3, page 96 of this chapter. Should the member remove to a distance while his case is under investigation, the Session may complete the inquiry and dispose of the case; or it may request the Session of the congregation to which he removes to take up the case and carry it to a conclusion.

SECTION IV. *Procedure in the Exercise of Discipline in the Case of Ministers, Elders, and Probationers.*

Caution in entertaining allegations.

1. Special caution is to be exercised before entertaining an allegation or *fama* affecting an office-bearer; and the proceedings ought to be conducted with strict attention to form.

Ministers, *emeriti*, etc., Probationers, and Elders and Deacons not holding Office.

2. Ministers residing beyond the bounds of the Presbytery of which they are members remain subject to the jurisdiction of that Presbytery. Ministers who are not members of any

Presbytery are subject to the jurisdiction of the Presbytery within whose bounds they reside. Probationers are subject to the jurisdiction of the Presbytery which licensed them, till they are regularly transferred to another Presbytery. (See Chap. IV., Sect. III., Div. I. 2, page 38.) Should a *fama* or allegation affecting the doctrine or conduct of a minister or probationer, which appears to call for inquiry, come under the notice of a Presbytery other than that which has jurisdiction over him, the Presbytery under whose notice such *fama* or allegation comes shall communicate the same, with all the information thereanent in its possession, to the Presbytery having jurisdiction over him, in order that it may deal with the case. Those having the status of elders, who are members of a congregation in which they do not hold office, are subject to the Session of the congregation of which they are members.

Responsibility as Members of Court of Office-bearers affected.

3. It is a peculiarity in the position of ministers and elders that they are usually members of the Court which exercises discipline in their case, and share with the other members of it the responsibility of guarding the purity of the Church and the character of its office-bearers, including their own. It is their special duty as members of the Court to give every facility for clearing up any allegation or *fama* affecting themselves. If they have erred, confession is their duty, and it is the first step in the way of amendment.

Preliminary Inquiry.

4. When a *fama* is in circulation affecting a minister or a probationer, either as to his doctrine or his conduct, the Presbytery, after having apprised him, either itself or by a committee institutes a preliminary inquiry respecting the rise of the *fama*, the persons originating the same, and the grounds on which it rests. In the case of an elder a similar course is followed by the Session.

Allegation by a Private Party.

5. When anything is alleged by a private party against the doctrine or the conduct of a minister, elder, or probationer, the first procedure of the Court is taken in terms of Sect. II. 5, page 81.

Office-bearer affected may submit statement.

6. The person affected by any *fama*, or by an allegation affecting his doctrine or conduct, may be invited by the Court or its committee to submit any statement which he desires to make regarding the *fama* or allegation. Or the Court may take action in terms of Sect. II. 6, page 81.

Statement submitted to the person concerned.

7. When, as a result of the preliminary inquiry, it appears to the Court that there is reason for further investigation, it shall submit to the person concerned a full and precise statement of the heretical opinions or the sinful or improper conduct attributed to him, in order to ascertain whether or not he admits the allegations therein contained.

When the statement relates to heretical opinions, it shall refer specifically to the particular portion or portions of the subordinate standards of the Church with which the opinions are alleged to be in conflict.

Objections to sufficiency.

The person concerned may object to the sufficiency of the statement submitted to him; and the Court shall consider his

objections, and may, if it think fit, alter and amend the statement in such way as shall appear to it proper; and the statement, as so adjusted, shall form the basis of the formal inquiry.

Statement of the Matter for Formal Inquiry.

8. Should the person concerned deny the sin or offence alleged against or attributed to him, the Court shall, *except in the case of a minister who demands that a libel be served on him*, proceed, either itself or by a Committee, to a formal inquiry into the allegations or *fama*; and shall appoint a day for entering on, and proceeding with, the inquiry. In the case of a minister or probationer, the Presbytery shall prepare a "Statement of the Matter for Formal Inquiry," in which shall be embodied: (1) the statement of doctrinal opinions, or of sinful or improper conduct, as finally adjusted and submitted to him; (2) intimation of the time and place at which the formal inquiry is to be entered on; (3) a requisition to the minister concerned to be present at the meeting; (4) a list of names of persons who may be brought forward for examination, and of productions which may be used; and (5) a statement that the clerk of Court, on receiving the names of any other persons whom the minister concerned may regard as able to give helpful information, will take steps with a view to securing their presence. (See Forms in Appendix VI., No. XVIII. 1, 2, 3, and 4, pages 271, 273.) A copy of this statement, certified by the clerk of Court, shall be delivered to the minister not later than ten free days before the day fixed for entering on the formal inquiry. Notwithstanding the list of witnesses and productions furnished in the formal document, any other witnesses may be examined and any other productions used, provided the clerk of Court intimates the names of the witnesses, and the titles or description of the productions so as to identify them, to the person concerned, at least three clear days before such witnesses are examined or productions used. In the case of an elder the like course shall be followed by the Session.

Case of a Minister or Probationer.

Case of an Elder.

Discharge from Official Duties, etc.

9. The Court, when it resolves to proceed with a formal inquiry, shall discharge the minister, elder, or probationer concerned from the exercise of all official duties, and may, if it see fit, debar him from the enjoyment of sealing ordinances, during the formal inquiry into the case.

Access to Productions.

10. The minister, elder, or probationer concerned has right of access to any productions in the case which are in possession of the Court. He shall also give timeous notice of any persons whom he desires to be brought forward for examination, in order that the clerk of the Court may take steps with a view to securing their presence.

11. When a formal inquiry is being conducted by a Presbytery, the Court may, after the formal statement has been adopted and served, remit the investigation to a committee instead of conducting it in the Court itself. (For report of committee see par. 16 following.)

Arrangements for Examination by a Presbytery

12. In the case of a minister or probationer two members of the Presbytery may be appointed to arrange, after conference with the person concerned, and subject to the approval of the

Presbytery, the order in which the persons to be examined shall be called, and to lead in their examination, unless it shall be arranged that the minister or probationer concerned shall lead in the examination of any particular witness or witnesses. Full opportunity shall then be given to the other members of Presbytery, and to the minister or probationer concerned, if he has not led in the examination, to put questions; and thereafter the person who has led in the examination may put further questions. When the inquiry is conducted by a committee the same procedure is followed. In the case of an elder a like course should be followed by the Session. By a Session.

13. At the time appointed the Court or the committee shall make full inquiry into the matter by examination of the witnesses and productions. Thereafter they shall hold conference with the person concerned. At the close of the examination and conference, if the person concerned desire, he or his adviser shall be heard. The Court or the committee shall then proceed, either at the same or at an adjourned meeting, to give its decision, and with a view thereto may in special circumstances exclude the person concerned and deliberate in private. Full Inquiry to be made. Office-bearer concerned heard. Court proceeds to a Decision.

14. After a decision is arrived at the moderator announces it to the person concerned. Decision announced.

15. When the formal inquiry is conducted by the Court itself, if the result of the inquiry has been to establish that the sin or offence alleged has been committed in whole or in part, and no appeal nor complaint is taken, the Court thereupon proceeds to appoint adequate censure and, if no appeal nor complaint is taken against the censure appointed, to administer the same. If, on the other hand, the result of the inquiry has been a finding that it has not been established that the sin or offence alleged has been committed, and no appeal or complaint is taken, the minister, elder, or probationer is restored to the exercise of all his official duties. Procedure by the Court in view of Decision arrived at

16. When the formal inquiry is made by a committee, the committee shall lay on the table the record of its proceedings, and shall report its decision on the case to the Court by which it was appointed, and with which the disposal of the case lies. In reporting to the Court the committee shall state: (1) The decision to which it has come; (2) dissents, if any, from its decision; (3) the acquiescence or non-acquiescence of the person concerned in its decision. On receiving the report of the committee, the Court may either adopt the decision, without reviewing the proceedings; or it may review the proceedings, and if it see cause, alter the decision; or it may set it aside and come to an independent judgment. If the person concerned has not acquiesced, or if there be any proposal to alter the decision in which he has acquiesced, he shall be heard by the Court. Procedure by a Committee in view of Decision arrived at. Procedure of the Court on receiving the Committee's Report.

17. Should the minister, elder, or probationer concerned, although present, decline to take any part in the formal inquiry, the Court shall proceed with it to a conclusion and come to a decision in the case, which decision shall be duly announced to him. Office-bearer concerned refusing to take part in the Inquiry.

Procedure in a Libel.

18. A minister may demand that a *fama* or allegation affecting his doctrine or conduct shall be investigated by a trial under a libel, and not by a formal inquiry. Such a demand must be made before the Presbytery has entered upon the formal inquiry at the meeting appointed for that purpose; and when such a demand is timeously made the matter shall be investigated by a trial under a libel, and not by a formal inquiry. If the formal inquiry has been entered upon without the minister having demanded a libel, he shall be held to have approved of the matter being investigated by a formal inquiry, and shall not thereafter be entitled to demand a libel.

Form of Libel.

19. The libel shall be as nearly as possible in the form given in the Appendix (Appendix VI., No. XVIII. 7 and 8, page 274), and shall contain as the charge against the minister a statement of the heretical opinions, or the sinful or improper conduct attributed to him. Appended to the libel shall be a list of the witnesses, and of the publications or other productions proposed to be used in support of the charge; but additional witnesses or productions may be brought forward afterwards, provided notice of such is given as provided in Rule 8 of this Section.

Appointment of Prosecutors.

20. When a libel is demanded the Court may appoint one or more of its members to prepare the libel and submit it to the Presbytery, and afterwards to act as prosecutors. The prosecutors cannot vote on any question which may arise in the course of the inquiry or in the consideration or disposal of the case, either in the Court in which it originates, or in any higher Court.

Revisal and Adjustment of Libel.

21. When the libel is prepared it shall be submitted to the legal adviser of the Church, in order that he may revise and adjust it. The libel as so adjusted and revised shall, with the relative list of witnesses and productions, be signed by the prosecutors and be laid before the Court, which shall satisfy itself that the libel is regular in form and sufficiently full and precise.

Service where Prosecutors are appointed.

22. When a libel against a minister is prepared and prosecuted by prosecutors appointed by the Presbytery, it can be served only by authority of the Court. In this case it is served before its relevancy is considered, and the position of the minister in relation to relevancy as well as in relation to the merits, is that of a party at the bar. (For Order to serve, Citation, and Certificate of Service, see Appendix VI., No. XVIII. 9, 10, and 11, page 275.)

Time of proceeding.

The Presbytery fixes the time of proceeding with the case, which shall not be earlier than ten days from the date of service of the libel. At the meeting for proceeding with the case the

Procedure.

libel is read by the clerk, the accused is asked if he has any objections to the relevancy of the libel, and opportunity is given to him or his adviser to state and maintain such objections, and to the prosecutors to answer them. The Court then proceeds to dispose of any such objections.

Where the Presbytery prosecutes the libel.

23. When a libel is demanded and the Presbytery resolves itself to prosecute it, it appoints one or more of its members to

prepare the libel and submit it to the Presbytery for adjustment and approval. After its adjustment and approval the Presbytery shall summon the minister accused to attend a meeting to be held after ten free days' notice, to consider the question of serving the libel. A copy of the libel and appended documents must accompany the summons.

Relevancy. At that meeting the Presbytery are called carefully to consider the relevancy of the libel; and if they resolve to serve it, they must serve it as a libel which they have already judged to be relevant. The minister concerned is still a member of Court, and entitled to take part in the discussion of the question of relevancy like any other member. If he object to the resolution to serve the libel his remedy is not by appeal, but by dissent and complaint.

Remedy of accused if objecting.

Procedure if Libel found irrelevant. 24. If the libel is found irrelevant the case may take end, or a new libel may be framed and served. If part is found irrelevant, and part relevant, and no appeal or complaint is taken, the case proceeds, if the Court think fit, upon the part which has been found relevant. An appeal or complaint sists procedure till it is disposed of.

Procedure if Libel found relevant. 25. When a libel has been found relevant in whole or in part and has been served, the accused is asked whether or not he admits the charges found relevant. If the charges are admitted, and the Court is satisfied, appropriate censure is administered. If the charges are not admitted, the case is proceeded with by taking the evidence.

26. When prosecutors are not appointed, the Presbytery, after the libel is found relevant, appoints two of its members to lead in examining witnesses in support of the libel, and in cross-examining witnesses for the defence, and to sum up the evidence.

Taking of Evidence. 27. Evidence in support of the charges is first led, and thereafter the accused is entitled to lead evidence in his defence. Each party is entitled to cross-examine the witnesses adduced by the other; and at the conclusion of each witness' evidence, questions, allowed by the Court, may be put to the witness through the moderator.

Hearing of Parties. 28. After the evidence is concluded, if prosecutors in support of the charges have been appointed they are heard first, and then the accused or his adviser in answer, and thereafter one of the prosecutors in reply. If prosecutors have not been appointed, one of the members appointed to lead in examining witnesses and to sum up the evidence is first heard, and then the accused or his adviser. Questions may then be put to parties by the Court, important questions and answers being taken down in writing, and forming part of the record. Parties are then removed and the Court proceeds to judgment.

Questions.

Rules in the case of a Formal Inquiry to apply to case of Libel. 29. The rules which apply in the case of a formal inquiry in regard to service on the person concerned, his having the assistance of an adviser, witnesses who may be examined, arrangements for their attendance, access to documents, discharge from the exercise of official duties, debarring from the

enjoyment of sealing ordinances, appeal and complaint, announcing the decision of the Court to the party accused or interested, the appointing and administering of censure in the event of the charges being established, and the action to be taken in the event of their not being established, shall apply to cases tried under a libel.

Contumacy and Divisive Courses.

30. When a minister or other office-bearer persistently absents himself from the discharge of his duties, or disowns the authority of the church Courts to which he has promised to submit himself, or is found guilty of following divisive courses, or is otherwise contumacious, the Court which finds him guilty of such conduct may, if there is no complaint nor appeal against its judgment, summarily suspend him from office, or may declare him to be no longer a minister or office-bearer of the Church.

When a Minister is removed, etc., his Charge is declared vacant.

31. When a Presbytery has, by a judicial act, removed a minister from his charge, or deposed him, or excluded him from the fellowship of the Church, it declares his charge vacant, and appoints one of its members to intimate this to the congregation.

SECTION V. *Procedure in the Exercise of Discipline in the case of Professors.*

Supervision.

1. Professors in the Colleges of the Church are, in the discharge of their duties, under the supervision of the College Committee of the Assembly.

To whom Complaint to be made.

2. A complaint or allegation regarding the doctrine or conduct of a Professor of such a kind as, if substantiated, would involve discipline, must be made in the first instance to the College Committee.

Procedure of Committee.

3. If such a complaint or allegation is made to the College Committee, or if a *fama* relating to the doctrine or conduct of a Professor comes to its knowledge, it shall inquire into the matter and confer with the Professor concerned. If, as the result of such inquiry and conference, it is of opinion that further procedure is advisable, it may report the whole matter to the General Assembly, or it may initiate proceedings in regard thereto before the Presbytery of which the Professor is a member. In reporting to the General Assembly, the College Committee may submit any recommendations it thinks proper.

4. If the College Committee initiate proceedings before the Presbytery, or if the Assembly instruct it to do so, it shall proceed by regular process as described in preceding sections.

In all cases in which proceedings in regard to the doctrine or conduct of a Professor are initiated before a Presbytery by the College Committee, it may appoint certain of its members to act for it.

5. If a *fama* relating to the doctrine or conduct of a Professor comes to the knowledge of the Presbytery of which he is a member, it may report the matter to the College Committee.

Should the Presbytery judge it necessary itself to initiate a formal process in the case of a Professor, it must intimate its action to the College Committee, which may appear as a party in the case, should it see cause.

SECTION VI. *Powers and functions of the General Assembly in cases of discipline; and of Presbyteries and Provincial Synods as Courts of Review in such cases.*

Appeal in a question of relevancy.

1. If a competent appeal or complaint or reference bring up a question as to the sufficiency of the statement of the matter to be investigated in a formal inquiry, or of the formal statement served on a minister, elder, or probationer, in the case of a formal inquiry, or as to the relevancy of a libel where such has been served on a minister, and if the Court find the statement or formal statement insufficient or the libel irrelevant, it may, if it see fit, correct the same, and appoint the case to be inquired into or tried and issued on the amended statement, formal statement, or libel.

Sentence following on judgment finally disposing of the case.

2. If a charge is found proven by a Court of Review whose judgment shall finally dispose of the cause, the sentence following on such judgment may either be pronounced by the Court whose judgment becomes final, or reserved for the action of the inferior Court in following out the instructions of the Court of Review.

Case originating in General Assembly.

3. If any case of flagrant scandal, heresy, or contumacy come to the notice of the General Assembly which has not come before any inferior Court having jurisdiction over the party, the Assembly may either remit such case to the inferior Court, or deal with it summarily and dispose of it by the direct exercise of its own authority.

Committee of Assessors.

4. The General Assembly annually appoints a committee consisting of ten ministers and ten elders, which is called "The Committee of Assessors." A Presbytery which has resolved to conduct a formal inquiry or to prosecute a libel may apply to the Committee for the appointment of assessors. The Committee, if satisfied that it is a case in which assessors ought to be appointed, shall appoint not more than four of its members to act with the Presbytery in the case. Should an appeal or complaint be taken against any finding or deed of the Presbytery, it shall not be competent to appoint more than one of the assessors as a representative of the Presbytery at the bar of the superior Court in connection therewith.

SECTION VII. *Supervision and Restoration of Persons under Church Censure.*

1. *Supervision.*

Position of a Person under Censure.

1. A person who has been suspended or deposed from office, or who is under suspension from full communion, continues a

member of the Church, and ought to give regular attendance on the means of grace.

Supervision by a Session of Persons under Suspension.

2. When an elder or a deacon is suspended from office, or from office and full communion, or when a member is suspended from full communion, the Session shall exercise over him a kindly and helpful supervision, and may appoint one of its members specially to care for and counsel him.

Transference to another Session.

3. When a person under suspension removes to such a distance from the congregation of which he is a member that he cannot give regular attendance on the means of grace in connection with it, he shall intimate his removal to the Session; and it may, if it deem it desirable, with a view to his continued sessional supervision, give him a special certificate of disjunction, addressed to the Session of the congregation with which he desires to associate himself, so that he may become a member of that congregation under suspension; and it shall at the same time furnish the Session of that congregation with adequate information as to the case.

Supervision by a Presbytery of a Minister or probationer under Suspension.

4. When a minister or probationer is suspended from office, or from office and full communion, the Presbytery suspending him, or to which his supervision shall have been remitted by the Synod or the General Assembly, shall appoint one or more of its members to exercise over him a kindly and helpful supervision. If the minister suspended is removed from his charge, such Presbytery shall certify him to the Session of the congregation which he intimates his intention of joining, either as a member entitled to the privileges of full communion, or as a member under suspension. His relation to the Session of the said congregation shall be the same as that of an ordinary member of the congregation. The Presbytery shall also appoint two or more of its members, one of whom shall be the minister of the congregation with which he proposes to connect himself, to exercise over him a kindly and helpful supervision.

A Minister or probationer under Suspension removing to the bounds of another Presbytery.

5. If a minister or probationer under suspension removes beyond the bounds of the Presbytery by which he has been suspended, or to whose supervision he has been remitted under suspension by the Synod or the General Assembly, the Presbytery, on becoming aware of his removal, either by intimation from himself or otherwise, shall, with a view to his continued supervision, forward an extract minute of the deliverance or deliverances in his case to the Presbytery within whose bounds he goes to reside. It shall also give to the minister or probationer a copy of the above extract. Before sending the above minute and furnishing the extract thereof to the minister or probationer, the Presbytery shall communicate with the Session of the congregation with which the said minister or probationer has been connected, and receive a report regarding him. On receiving the extract minute, the Presbytery within whose bounds he goes to reside, shall certify him to the Session of the congregation which he intimates his intention of joining, as provided for in par. 4 above, and shall appoint two or more

of its members, one of whom shall be the minister of the congregation with which he proposes to connect himself, to exercise over him a kindly and helpful supervision.

2. *Restoration.*

The Court with which the Power of Restoration lies.

6. Restoration to full communion takes place after the person suspended has given satisfactory evidence of his penitence. In the case of an elder or a member, the power to restore rests with the Session of the congregation with which he is connected; in the case of a minister or a probationer, with the Presbytery; unless in case of suspension by a superior Court, in which case the Session or the Presbytery, as the case may be, can restore only if the superior Court has given it authority to do so (see below, par. 18).

Restoration to Full Communion does not carry with it Restoration to Office.

7. When an office-bearer has been suspended from full communion he is thereby suspended from office *sine die*, and restoration to the privilege of full communion does not carry with it restoration to office.

Restoration to Office not given if the interests of Religion would be injured thereby.

8. If suspension from office has been *sine die*, restoration to office is not given, however satisfactory may be the evidence of penitence, unless it be obvious that the general interests of religion will not be injured by this step.

Restoration of an Elder when suspended from Office for a specified period.

9. When an elder has been suspended from office for a specified period, but not from full communion, he shall present himself at the expiry of that period to the Session under whose supervision he is, and if it is satisfied that the ends of discipline have been attained, it removes his suspension; and if it be the Session of the congregation of which he was a member at the time of suspension, it restores him also, after due admonition, to the exercise of his office.

When suspended from Office *sine die*;

10. When an elder has been suspended from office *sine die*, the Session under whose supervision he is, shall, on application made by him for restoration, consider his case, and if satisfied that the ends of discipline have been attained, it removes his suspension. If it be the Session of the congregation of which he was a member at the time of suspension, it may at the same time, if persuaded that it will be for the edification of the Church, restore him to the exercise of his office.

When suspended from Office and Full Communion.

11. When an elder has been suspended from office and from full communion, and the Session agrees to restore him to the privilege of full communion, it at the same time considers whether the suspension from office ought to be removed. If either then or at any subsequent time it considers that this ought to be done, it removes the suspension from office; and if it be the Session of the congregation of which he was a member at the time of suspension, it may at the same time, if persuaded that it will be for the edification of the Church, restore him to the exercise of his office.

Restoration of a Minister:

12. When a minister has been suspended from office for a specified period, without having been removed from his charge,

he shall present himself at the expiry thereof to the Presbytery, and if it is satisfied that the ends of discipline have been attained, it removes his suspension, and restores him to the exercise of all his official duties.

When suspended from Office for a specified period;

13. When a minister has been suspended from office for a specified period, and has at the same time been removed from his charge, or when a probationer has been suspended from office for a specified period, he shall present himself at the expiry of that period to the Presbytery which suspended him, or to whose supervision he has been remitted by the Synod or the General Assembly, and if a satisfactory report regarding him has been received from those under whose supervision he was placed, it may remove his suspension, if in view of all the circumstances it judges it advisable.

When suspended from Office for a specified period and removed from his Charge.

Application for Removal of the Suspension: How dealt with.

14. An application for removal of suspension by a minister or probationer who has been suspended from office *sine die* must be disposed of by the Presbytery that suspended him. If he has been under the supervision of another Presbytery, a report from that Presbytery is required. Should the Presbytery which suspended him, after careful consideration of all the facts, be satisfied that the ends of discipline have been attained, it removes the suspension.

Restoration to Full Communion.

15. When a minister has been suspended from full communion, the Presbytery which suspended him may restore him to the privilege of full communion, on being satisfied of his penitence.

Removal of Suspension from Office for a specified period does not necessarily take place at the expiry thereof.

16. When an office-bearer who has been suspended from office for a specified period presents himself at the expiry thereof to the Court which suspended him, if the Court is not satisfied that the ends of discipline have been attained, it may either continue the suspension for a further specified period, at the expiry of which he again presents himself to the Court, and so from time to time so long as the Court shall continue the suspension for specified periods; or the Court may, at the expiry of either the original or any subsequent period of suspension, in place of continuing the suspension for a specified period, continue it generally. When continued generally it becomes suspension *sine die*, and in the case of a minister is accompanied with removal from his charge.

Application for Restoration to Office may be referred.

17. In special circumstances application for restoration to office may be referred by the Court which pronounced sentence to the next higher Court.

An inferior Court cannot remove the Censure appointed by a superior Court unless authorised to do so.

18. In no case in which suspension has been appointed by a Court superior to the one exercising supervision over the person under discipline, can the latter Court remove the suspension or restore the person to full communion or to office, unless the superior Court has authorised the inferior Court to do so. If the superior Court has not done this, and if the Court supervising the person under discipline considers that he should be restored, it shall report the circumstances and its opinion to the superior Court which appointed the suspension, in order to that Court disposing of the matter.

19. In the case of deposition from the office of the ministry, restoration to status can take place only by authority of the Supreme Court: and in the case of deposition from the office of the eldership, it can take place only by authority of the Presbytery, or if the deposition was by a superior Court, then by authority of that Court. Restoration in the case of Deposition from Office.

20. Fugitives from discipline are not to be received back into the fellowship of the Church until they submit themselves to discipline, and acknowledge the additional offence of which they have been guilty. Restoration of Persons who refuse Submission to Discipline.

CHAPTER VIII.

PROCEDURE.

SECTION I. *Petitions and Memorials.*

Definitions.

1. A *Petition* contains a definite crave for some right, privilege, or redress, to which the petitioner or petitioners claim to be entitled, or which they ask to have granted; and its presentation brings those signing it as parties to the bar of the Court. All documents essential to the case should accompany the petition.

A *Memorial* is an expression of opinion, or of desire for action, on any matter of general interest to the Church. Its presentation does not constitute the memorialists parties who have a right, as such, to be heard at the bar; but they may ask to be heard in support of it.

It belongs to the Court, subject to appeal, to decide in which class any paper presented to it is to be placed.

Access to Church Courts.

2. A congregation at a regularly constituted congregational meeting, or any member or members of a congregation as individuals, have right of access to the Session by petition or memorial on any subject with which the Session can competently deal. They have also the right of access by petition or memorial to the Presbytery, Synod, and General Assembly. Such petition or memorial must be submitted, with all relative documents, to the Session, with a request that it be forwarded through the proper channel to the Court to which it is addressed.

Sessions and Members of Presbytery.

3. Sessions have the right of approaching the Presbytery by petition or memorial, and through it the Synod and General Assembly. Members of Presbytery may petition the Synod and Assembly through the Presbytery. Presbyteries have direct access by petition or memorial to the Synod, or to the General Assembly in the event of there being no meeting of the Synod before the meeting of the General Assembly.

Ministers.

4. Ministers may ask the advice of the Presbytery in any matter connected with their office or work.

Transmission of Papers by inferior Courts.

5. Transmission of a petition or memorial does not imply approval of its object, or concurrence in it; but it is the duty of the inferior Courts, before transmitting petitions or memorials, to secure that they are regular in form and expressed in respectful terms.

6. A Session or Presbytery may transmit a petition or memorial either *simpliciter*, or with recommendation, or *cum*

notâ; or it may adopt and transmit it as its own; or it may, if it see cause, refuse to transmit. If it refuse to transmit a petition the petitioner is entitled to protest and appeal, and thus bring the matter before the superior Court.

Accompanying Documents.

7. All documents referred to in a petition or memorial must be laid along with it on the table of the Court, and also, in the case of petitions and memorials transmitted through an inferior Court, a duly certified extract of the resolution to transmit, in accordance with the Standing Orders of the General Assembly.

Procedure with Petitions.

8. When it has been ascertained that a petition has come regularly before the Court to which it is addressed, the petition is read with relative documents (unless printed by authority of the Court, and in the hands of members), and the Court must satisfy itself that it has before it all parties having an interest in the cause. After all parties have been heard, questions may be put to the parties, through the moderator, by members of Court. The Court then proceeds to deliberate, with the view of giving judgment.

9. If the petitioners, when called, fail to appear without reasonable excuse given for absence, the Court dismisses the petition.

SECTION II. *Overtures.*

Definition.

1. An *Overture* is a proposal representing the desirableness of a change in the existing rules or arrangements, or in the administration of the Church, or of some competent course of action. An overture may be originated by a Presbytery, by a Provincial Synod, by members of the Assembly, or by the Assembly itself.

Form.

Overtures to a Synod or to the General Assembly.

Who may overture.

2. An overture may be transmitted by a Presbytery to the Synod or the General Assembly; or by a Synod to the General Assembly. Such overtures must be in the form of extract minutes. (For Form see Appendix VI., No. xx., page 277.) Members of the House may also overture the General Assembly during its sittings; the overture in this case, as in other cases, being submitted to the Committee on Overtures with a view to its being brought before the House.

Session, Congregations, or Individuals may memorialise Presbytery to Overture.

3. A Session may memorialise a Presbytery on any matter, requesting the Presbytery to bring it before the Synod or the Assembly by overture. A congregation or individual members of a congregation may prepare such a memorial and submit it to the Session for transmission to the Presbytery. But an overture can be transmitted by a Presbytery only as from itself.

Support of overture.

4. When a Presbytery resolves to transmit an overture to the Synod, it appoints one or more of its members to support

it if required. When it resolves to transmit an overture to the General Assembly, it appoints one or more of its Commissioners to the Assembly to that duty.

Overtures sent down by the General Assembly.

Barrier Act.

5. Overtures containing proposals for the enactment of what are to be "binding rules and constitutions" of the Church, or for the alteration of such rules and constitutions, or for alterations in the doctrine, worship, discipline, or government of the Church, are dealt with under Act IX. of Assembly 1697, commonly called the "Barrier Act." By that Act the rule has been fixed that no Acts can be passed by the Assembly, so as to be binding rules and constitutions for the Church, until they have first been passed by the Assembly as overtures, and transmitted in that form to the several Presbyteries for their opinion, and the consent of a majority of Presbyteries has been obtained. (For the Act see Appendix III., No. I., page 177.) Unless expressly directed by the Assembly, overtures sent down to Presbyteries are not transmitted to foreign Presbyteries.

Returns by Presbyteries.

6. A Presbytery ought by agreement, or by notice of motion thereanent, to fix the time for considering any overture so transmitted by the General Assembly; and in giving its opinion should either approve *simpliciter* or disapprove. Approval subject to alteration is held as disapproval of the overture as sent down. A form of return is issued by the clerks of Assembly with each overture on which Presbyteries may enter any suggestions they desire to offer in the event of the reconsideration of the overture by a subsequent Assembly. Returns to overtures must be in the hands of the clerks of Assembly not later than the *first* day of May in each year. (See Chap. IV., Sect. III. Div. III. 11, page 63.)

Procedure if majority of Presbyteries do not approve.

7. If it shall appear that a majority of the Presbyteries have not approved *simpliciter* of any overture so transmitted, the Assembly cannot pass it into a binding law; but must either pass from the subject, or retransmit the overture either in the same form as before, or with alterations, for the opinion of the several Presbyteries.

Procedure if majority approve.

When it appears that a majority of Presbyteries have approved *simpliciter* of any overture transmitted, the General Assembly may, if it see fit, pass that overture into a standing law of the Church.

Sessions to be consulted.

8. When an overture is transmitted to Presbyteries under the Barrier Act, they are required to give Sessions within their bounds an opportunity of reporting their opinion thereon; and the returns from Sessions shall be tabulated by the Presbytery clerks, and reported to the General Assembly.

Interim Act.

9. If the object of an overture transmitted to Presbyteries under the Barrier Act appear to the General Assembly to be of urgent practical importance, it is competent to the Assembly, while transmitting the overture to Presbyteries, at the same time to pass it into an *Interim Act*, which shall be in force only until the meeting of the next General Assembly.

10. The General Assembly may remit proposals on any subject of legislation or administration to Presbyteries for their opinion apart from the Barrier Act. Under such a remit the Presbyteries may either approve or disapprove of the proposal *simpliciter*, or may approve of it subject to alteration or qualification; and the returns from Presbyteries shall be classified and laid before the General Assembly. The Assembly shall not pass any proposal affecting the constitution of the Church into a standing law upon such a remit and the returns thereto. Proposals remitted apart from Barrier Act.

11. The foregoing rules as to overtures do not prejudice nor affect the right of the General Assembly to pass Declaratory Acts, declaring what the Assembly understands the law of the Church to be. Declaratory Acts.

SECTION III. *References.*

1. In causes of difficulty or importance an inferior Court may make a reference to a superior Court either for advice or *simpliciter*. A reference is not to be made without good reason, and not until the inferior Court has travelled in the cause as far as practicable. A reference is made to the next higher Court; but in the case of a reference by a Presbytery, if there be a meeting of the General Assembly before the next meeting of the provincial Synod, the reference may be made to the General Assembly direct. Circumstances in which reference may be made.

2. The Court making the reference appoints two commissioners to state the reasons of the reference, and to explain the matter referred. Commissioners.

3. When the reference is for advice, the particular point on which advice is requested is distinctly stated in the reference, and the procedure of the inferior Court, so far as it concerns the point in question, or anything dependent upon it, is sisted until the advice is obtained. Reference for Advice.

4. When the reference is *simpliciter*, all the papers in the cause must be transmitted to the superior Court, with an extract of the deed of reference. All the parties are cited, by personal intimation or timely notice sent to them, to appear before that Court for their interest. Reference *simpliciter*.

5. If the Court deems the reasons stated for the reference sufficient, the reference is sustained, and the Court proceeds to deal with the cause, and hears the commissioners on its merits. If the reference is not sustained, the cause is sent back to the inferior Court with instructions, or the superior Court may dispose of it otherwise as it deems proper. Disposal of References by Higher Court.

SECTION IV. *Appeals and Complaints.*

1. When a party in any cause before a Session, Presbytery, or Provincial Synod feels aggrieved by the decision that is arrived at, he is entitled to bring it under the review of the Appeal from decision of Lower Court,

next higher Court. If he does not avail himself of this opportunity, he is held as submitting to and acquiescing in the decision, as regards both the merits of the cause and the regularity of the procedure. It is the duty of the Court to explain procedure to parties. (See Chap. VII., Sect. II. 25, page 86.)

Protest and Appeal.

2. In order to secure the right of appeal, the party, on the decision being announced, must *protest and appeal* to the superior Court, for reasons given in, or promised to be given in, in due time, and crave extracts. The appellant must be careful to see that this is recorded in the minutes. (For Form of Extract, see Appendix V., No. III. 3, page 261.)

Dissent and Complaint;

3. If a member of an inferior Court who has voted in a cause is dissatisfied with the decision arrived at, and wishes to bring said decision under the review of the superior Court, he *dissents and complains*, for reasons given in, or promised to be given in, in due time, and craves extracts. The complainer must be careful to see that this is recorded in the minutes. (For Form of Extract, see Appendix V., No. III. 4, page 262.)

Effect of Appeal or Complaint.

4. Unless where otherwise expressly provided, a protest and appeal, or dissent and complaint, sists procedure in the Court in which it is taken, and the sentence or decision appealed or complained against is not to be acted on until the appeal or complaint is determined by the superior Court.

5. An appeal or complaint against a decision on a part of the cause, or on a point of procedure, does not prevent the Court from proceeding with the cause and ripening it to a final judgment. If no appeal or complaint is taken against the final judgment, all appeals and complaints taken during the proceedings in a cause fall.

6. No sentence can be carried out until all the appeals and complaints taken in the course of procedure are finally disposed of. The lower Court, however, may make such *interim* orders and regulations until the cause is finally disposed of, as the good order, discipline, or welfare of the Church, or of parties concerned, may in the circumstances appear to require.

Lower Court may make *interim* orders.

Reasons of Protest.

7. When a party protests and appeals, or a member of Court dissents and complains, reasons in support of the appeal or complaint, if not given in at the time, are to be lodged with the clerk within ten days, unless longer time has been allowed. When this is not done, the appeal or complaint is held as fallen from.

Answers to Reasons.

8. When a decision is brought under review, the Court appoints a committee of its members to prepare answers to the reasons lodged, and to defend the decision before the superior Court. The answers as so prepared are submitted to and adjusted by the Court, by whom they are then approved and adopted. The Court may, if it thinks fit, assign to the committee the duty of adjusting the answers as the answers of the Court, and in this case the answers shall be prepared and adjusted within ten days after the expiry of the time for lodging the reasons of appeal or complaint. In every case a

copy of the answers shall be sent to the appellant or complainant within three days after being adopted by the Court, or adjusted by its committee. The reasons and answers are transmitted to the superior Court by the clerk along with the extract minutes and all other papers belonging to the cause.

Parties in a Cause.

9. All the parties in a cause thus carried to a superior Court are carried along with it, and intimation to that effect is made to them by the moderator that they may appear for their interest: in the event of their being absent, official notice is sent to them by the clerk.

Cause taken direct from a Presbytery to the Assembly.

10. When an appeal or complaint is taken against a finding of a Presbytery between the time of the spring meeting of the Synod and the meeting of the General Assembly, or so shortly before the meeting of Synod that reasons of appeal or complaint have not been lodged, or the Court has had no opportunity of preparing answers, the case is taken direct from the Presbytery to the General Assembly.

11. If a party fail to appear in support of his appeal or complaint, the appeal or complaint shall be held as departed from and the judgment appealed or complained against shall become final; unless a sufficient excuse for his absence be given, or good cause for a contrary decision be afterwards shown.

Remedies open to Parties aggrieved by a Decision of a Congregation, a Session, or a Presbytery.

12. The right of members present at a congregational meeting to bring the decisions and resolutions adopted under the review of the Presbytery, is provided in Chap. III., Sect. II. A 7 and B 14, pages 26, 27; and the right of a party who is dissatisfied with the decision of an inferior Court to bring the decision under the review of the next higher Court is provided in Chap. VIII., Sect. IV. 1, page 103. These are the only remedies open to parties aggrieved by a decision of a congregational meeting, a Session, a Presbytery, or a Synod. The decision of the General Assembly, as the highest and ultimate court of review, is final, and terminates the case. Recourse to a civil court for reduction, restraint, review, alteration, or control of the procedure in any of the Courts of the Church, or of their decisions, being outwith the rights of any member or office-bearer of the Church, any member or office-bearer so having recourse to a civil court thereby subjects himself to discipline and censure by the Church Courts. Such application, especially if persisted in, shall warrant exclusion from the fellowship of the Church, and in the case of an office-bearer, deposition also from office.

Recourse to Civil Courts excluded.

SECTION V. *Order of Procedure.*

Hearing of Parties.

1. When a petition is from an individual member of the Church, the Court hears him in support of it. When a petition or an overture is from an inferior Court, or from a body of petitioners, the Court hears not more than two of their number or commissioners. When there are several petitions or overtures on the same subject, the Court may require the petitioners

or commissioners to select not more than two of their number to represent the whole. The same rule obtains in the case of memorialists, when the memorialists ask, and are allowed to be heard. Except in the case of those appearing in support of an overture who are members of the Court, representatives are heard at the bar.

Failure of Parties to appear.

2. When the court enters upon a cause parties are called. If the petitioners or memorialists fail to appear, when called, without reasonable excuse for absence, the Court may refuse to proceed with the cause, and may dismiss the petition or memorial.

Questions to Parties and Deliberation.

3. After petitioners or memorialists have been heard, and any other party whom the Court may judge to have an interest in the cause, questions may be put to the parties through the moderator by members of the Court. Parties having been removed the Court then proceeds to deliberate with the view of giving judgment.

Procedure in References and Appeals.

4. In cases of reference, protest and appeal, or dissent and complaint, the following is the order of procedure:—

Appearance or non-appearance of Parties.

(*a*) When the higher Court enters upon the cause parties are called, and the names of the parties who severally appear are minuted. If the commissioners from the lower Court or the appellant or complainant fail to appear when called, without reasonable excuse given for absence, the Court may dismiss the reference, or the protest and appeal, or dissent and complaint, either at this stage, or after the papers are read; or may proceed to consider and dispose of the cause in the absence of the party or parties failing to appear.

Reading of the Documents.

(*b*) The clerk of the Court then reads the documents that have been transmitted in the case. In appeals and complaints the order in which they are read is:—(*First*) The sentence or decision appealed or complained against; (*Second*) The reasons and answers; and (*Third*) The whole record of the proceedings in the lower Court. If the papers as transmitted have been printed and circulated amongst the members of the higher Court, the reading may be dispensed with.

Hearing of Parties in a Reference. Questions.

(*c*) In a reference the commissioners from the lower Court state the reference. Questions may then be put to the parties by members of the Court through the moderator. The reference brings up all the parties in the cause, and if there is an appeal or complaint against the reference the procedure is regulated by rule (*f*).

If Reference sustained lower court ceases to be a party.

(*d*) The Court either sustains the reference or dismisses it. If the Court sustains the reference the lower Court ceases to be a party, and its commissioners leave the bar; and if they are members of the higher Court they are entitled to speak and vote on the cause when taken up on the merits.

(*e*) If the reference is sustained, the Court proceeds to enter upon the merits of the cause, and the parties are heard. Higher Courts enter on merits.

(*f*) In cases of appeal or complaint the appellants or complainants are first heard. If there is both an appeal and a complaint, the appellant is heard first and then the complainant. After the appellants or complainants are heard the representatives of the lower Court are heard, and then any other parties having an interest. The appellants or complainants then reply. Parties must confine themselves in their arguments to the points to which the appeal or complaint refers, as set forth in the record. Hearing Parties in Appeals.

(*g*) After parties have been fully heard, questions allowed by the Court may be put to them through the moderator, with the view of bringing out any further information that has a bearing upon the cause. When questions are addressed to one party, the other party are asked how far they concur in the answers given. These questions and answers may be entered on the record, if the Court see cause (see Chap. VII., Sect. IV. 28, page 93). Questions.

(*h*) Parties are then declared to be removed, and the Court proceeds to deliberate on the cause with the view of giving judgment. An appeal or complaint prevents the members of the Court whose decision is brought under review from deliberating and voting upon the cause in the superior Courts. Deliberation by Court.

(*i*) An appeal or complaint is either dismissed as being ill founded, or sustained as being well founded. If it is dismissed, the judgment of the inferior Court stands. If it is sustained, the judgment of the inferior Court is not necessarily reversed, but may be altered either partially or wholly, or the cause may be remitted to the inferior Court with instructions, or such other findings or orders may be made as are suitable in the circumstances. It is competent to the Court of Review, when circumstances appear to require it, to waive consideration of a complaint or appeal on the merits, and, without sustaining or dismissing it, to give such decision in the original cause as the interests of truth and justice appear to require. Disposal of Appeal.

5. In all cases of references, appeals, and complaints, the Court may, after the papers have been read, or, where they have been printed and circulated, after parties are called, or at any subsequent stage, send the cause to a committee, who shall travel in it, and prepare a deliverance, which it shall recommend the Court to adopt. Case may be remitted to Committee.

6. When a cause has been sent to a committee, the committee shall be guided in its procedure by the preceding rules applying to the action of the Court. When a finding has been arrived at, the committee shall endeavour to secure that parties Procedure before Committee.

acquiesce in it. If parties refuse to acquiesce, they may appear before the Court and state this, when the report of the committee is presented. The Court either then enters upon the cause, or arranges for a time at which it shall be taken up.

SECTION VI.—*Dissents without Complaint.*

Dissent *simpliciter* or for Reasons.

1. When a cause has been concluded, the minute adjusted, and the decision arrived at announced by the moderator, it is competent for any member who has voted, to enter his dissent for himself and for those who may adhere to it, either *simpliciter*, or for reasons then given in, or to be afterwards given in; but in judicial causes dissent *simpliciter* only is allowed in the Supreme Court. A member proposing a motion which, having failed to find a seconder, has not been put against the motion adopted, has the right of dissent.

Disposal of Reasons.

2. When reasons of dissent have been tendered, the Court receives them, if they are respectfully worded. If reasons are given in along with the dissent, or in the case of the General Assembly before the close of next sederunt, they are recorded in the minute along with it. If given in afterwards the Court may either keep them *in retentis*, or may, if it sees fit, order them to be recorded. It may also appoint a committee to answer them.

Member absent without excuse has no right to dissent.

3. A member who, during the decision of a cause, has been absent with a sustained excuse, or has been attending either a meeting of a committee of the Court, or a meeting of an inferior Court, such meeting being held with the leave of the Court before which the cause is depending, may afterwards have his dissent from the decision of the Court recorded.

Dissent from Resolution of Court in Committee.

4. When a member of a Court is dissatisfied with any resolution framed by the Court in committee of the whole house, he is allowed to enter his dissent after the Court has resumed and the resolution has been reported and approved.

Dissentient not entitled to be heard in appeal.

5. A dissent without complaint from the decision of an inferior Court does not give the dissentient a right to be heard, if the cause should afterwards come up before the superior Court by appeal or complaint.

ACTS, DOCUMENTS, AND FORMS.

APPENDIX I.

ACTS OF THE GENERAL ASSEMBLY OF THE UNITED FREE CHURCH OF SCOTLAND.

I. Uniting Act.

(*Act I., Assembly* 1900.)

Uniting Act.

Whereas the Synod of the United Presbyterian Church, at its meeting in May 1896, upon a proposal of the General Assembly of the Free Church of Scotland for closer co-operation of the two Churches in their common work, cordially approved of the proposal, and, further, adopted a resolution in favour of taking steps towards a Union with the Free Church of Scotland, and appointed a Committee, which was reappointed at the meeting of the Synod of 1897, to prosecute that object; and whereas the Free Church Assembly, having, in 1896 appointed a Committee to consider the subject, did in 1897, reappoint the said Committee, with powers to confer with the Committee of the United Presbyterian Church; and whereas these Committees having met and communicated to one another the existing doctrinal standards, rules, and methods of the two Churches, it appeared that in regard to doctrine, government, discipline, and worship therein set forth, a remarkable and happy agreement obtained between them, as also in particular in the views of the two Churches with respect to the spirituality and freedom of the Church of Christ, and her subjection to Him as her only Head, and to His Word as her supreme standard, and that an incorporating union might harmoniously be accomplished: and whereas Questions and a Formula to be used at ordination and induction, as also arrangements for the support and training of the ministry and for combining the methods and work of the two Churches, have been agreed upon, and have been considered by the inferior Courts of the two Churches—and in particular—

Whereas the Synod of the United Presbyterian Church, at its meeting in May 1899, had before it the Report of the

APPENDIX I.
Uniting Act.

Joint Union Committee submitting Questions and Formula as these had been revised in the light of suggestions from Presbyteries and Sessions: also proposals relating, first, to the Provision for the Ministry; second, to the Training of the Ministry; third, to the Aged and Infirm Ministers' Fund; fourth, to the Constitution of the General Assembly; fifth, to Rules and Forms of Procedure; sixth, to Administration of Missions; seventh, to Arrangements for Home Work; and eighth, to Government Grants for Training Colleges and Mission Schools; and the Synod, having approved of the proposals submitted under the several heads of said Report as providing a satisfactory scheme for an incorporating Union of the two Churches, remitted them to Presbyteries and Sessions for final approval, and reappointed its Committee to continue Conference with the Free Church Committee on the practical matters still requiring consideration and adjustment, including the Uniting Act;

And in like manner the General Assembly of the Free Church of Scotland, at its meeting in the same month of May 1899, sent down an Overture to Presbyteries reciting the steps previously taken in regard to Questions and Formula, which having been under consideration of Presbyteries, were adjusted and approved by the Assembly; and further specifying proposals submitted by Joint Union Committee relating, first, to the Provision for the Ministry; second, to the Training of the Ministry; third, to the Aged and Infirm Ministers' Fund; fourth, to the Constitution of the General Assembly; fifth, to Rules and Forms of Procedure; sixth, to Administration of Missions; seventh, to Arrangements for Home Work; eighth, to Government Grants for Training Colleges and Schools, and also proposals for Re-arrangement of Presbyteries and Synods, which were still subject to adjustment; after all which the Overture proceeded: "Therefore the General Assembly, with consent of a majority of Presbyteries, hereby enact and ordain that the plan of Union set forth in the proposals hereinbefore referred to, including the re-arrangement of Presbyteries and Synods as that may be approved by next or any subsequent Assembly, is authorised and accepted by this Church with a view to an incorporating Union with the United Presbyterian Church as a plan to come into operation as soon as a Uniting Act shall have been passed by the General Assembly with consent of a majority of Presbyteries of the Church, it being understood that the united Church may be declared to consist of the Free Church of Scotland as existing previously to the Union, and the United Presbyterian Church as existing previously to the Union, under such common designation as may be agreed upon; and that secondary details may be adjusted as to that Assembly may seem meet";

And WHEREAS the Synod of the United Presbyterian Church, at its meeting in May 1900, adopted the proposals which had been remitted in the previous years to Presbyteries and Sessions

and by them finally approved of; and further, having approved of the proposals respecting Presbyteries and Synods, and the other practical matters agreed on as necessary to complete the arrangements for entering into Union with the Free Church of Scotland, and having also approved of the proposed Uniting Act, and of certain express Declarations which the Churches have in view in entering into Union, the Synod remitted said Act and Declarations for final approval to Presbyteries and Sessions; And in like manner the General Assembly of the Free Church of Scotland, at its meeting in the same month of May 1900, approved of the proposals respecting Presbyteries and Synods as finally adjusted, and passed the foresaid Overture, with consent of a majority of Presbyteries, into a standing Law and approved of the said proposed Uniting Act, and also of the foresaid Declarations, and remitted the same in the form of an overture to Presbyteries; Uniting Act.

And WHEREAS in this month of October the General Assembly of the Free Church of Scotland, with consent of a majority of Presbyteries, and the Synod of the United Presbyterian Church, have now sanctioned the form of a Uniting Act and also adopted the aforesaid Declarations, and having now severally passed all Acts necessary for the consummation of the Union on the terms agreed upon, have severally resolved to meet together for that purpose, and are now met accordingly;

Now, therefore, the said General Assembly of the Free Church of Scotland, and the Synod of the United Presbyterian Church thus met, first of all desire to express their devout thankfulness to the great Head of the Church for the spirit of love and concord which has prevailed during those negotiations for Union; humbly acknowledge their entire dependence on the mercy of God for all the happy results which they hope for in connection with it; and entreat the Divine blessing on the step now to be taken, and on all the congregations and people under their charge;

AND

the General Assembly of the Free Church of Scotland, and the Synod of the United Presbyterian Church, empowered as aforesaid, do hereby, in terms and in pursuance of the deliverances of their respective Church courts, enact and declare that the Free Church of Scotland and the United Presbyterian Church do and shall henceforth constitute one united Church; that the name of the united Church shall be The United Free Church of Scotland, and that its Supreme Court shall be designated the General Assembly of the United Free Church of Scotland.

II. That the General Assembly of the Free Church of Scotland and Synod of the United Presbyterian Church, when they have met for the purpose of consummating the Union, and have adopted the Uniting Act, shall thereafter have the powers of a General Assembly of the United Church, and may do and authorise all things necessary or convenient

APPENDIX I
Uniting Act.

to be done with a view to the orderly inauguration and conduct of the affairs of the United Church, and in consistency with the terms of Union agreed upon.

II. ACT ANENT QUESTIONS AND FORMULA.

(*Act II., Assembly* 1900.)

Questions and Formula.

The General Assembly, in accordance with the terms of the Uniting Act, enact and ordain that the following Questions and Formula, considered and agreed upon by the Inferior Courts of the two Churches, shall be the Questions and Formula to be used at the Ordination and Induction of Ministers and Office-bearers in the United Free Church :—

1. PREAMBLE AND QUESTIONS AT THE LICENSING OF PROBATIONERS.

PREAMBLE.

(*To be publicly read when the Questions are put.*)

It is hereby declared, that the following Questions are put in view of Act 1647 approving of the Confession of Faith ; Act XII. 1846 of the Free Church of Scotland ; Declaratory Act 1879 of the United Presbyterian Church ; and Act XII. 1892, with relative Act of 1894, of the Free Church ; and that Probationers are entitled to take advantage of any of these Acts.

It is hereby also declared, that the documents referred to in Question No. 4, and there named for brevity the Claim of Right of 1842, the Protest of 1843, and the Basis of Union of 1847, are respectively the "Claim, Declaration, and Protest adopted by the General Assembly of the Church of Scotland in 1842," and the "Protest of Ministers and Elders, Commissioners from Presbyteries to the General Assembly, read in presence of the Royal Commissioner, on 18th May 1843," and the "Basis of Union adopted by the Synod of the United Presbyterian Church on 13th May 1847."

QUESTIONS.

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, and the only rule of faith and life?

2. Do you sincerely own and believe the Doctrine of this Church, set forth in the Confession of Faith, approven by Acts of General Synods and Assemblies ; do you acknowledge the said doctrine as expressing the sense in which you understand the Holy Scriptures ; and will you constantly maintain and defend the same, and the purity of worship in accordance therewith?

3. Do you disown all Popish, Arian, Socinian, Arminian, Erastian, and other doctrines, tenets, and opinions whatsoever, contrary to and inconsistent with the said doctrine of this Church?

4. Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a government in the hands of church-officers, distinct from, and not subordinate in its own province to, civil government, and that the civil magistrate does not possess jurisdiction or authoritative control over the regulation of the affairs of Christ's Church ; and do you approve of the general principles with respect to the spirituality and freedom of the Church of Christ, and her subjection to Him as her only Head, and to His Word as her only standard, embodied in the Claim of Right of 1842, the Protest of 1843, and the Basis of Union of 1847, as principles which are sanctioned by the Word of God and the subordinate standards of this Church?

5. Do you acknowledge the Presbyterian government and discipline, as authorised in this Church, to be founded on, and agreeable to, the Word of God; do you promise to maintain, and submit to, the said government and discipline; and, while cherishing a spirit of brotherhood towards all the faithful followers of Christ, do you engage to seek the purity, edification, peace, and extension of this Church? Questions and Formula.

6. Are not zeal for the glory of God, love to the Lord Jesus Christ, and desire of saving souls, and not worldly designs or interests, so far as you know your own heart, your great motives and chief inducements for desiring to enter into the office of the holy ministry?

7. Do you promise to be subject in the Lord to the several judicatories of this Church?

8. Do you engage in the strength of the grace that is in Jesus Christ, our Lord and Master, to live a holy and circumspect life, and faithfully, diligently, and cheerfully to discharge all the duties of a probationer for the office of the ministry.

9. And these things you profess and promise through grace, as you would give in your account with joy at the coming of our Lord Jesus Christ, with all His saints, and have an entrance ministered to you abundantly into His everlasting kingdom?

Form of Licence.

"In the Name of the Lord Jesus Christ, the King and Head of the Church, and in the exercise of the authority with which He has invested its office-bearers, we, the Presbytery of , do now license you, A. B., to preach the Gospel of Christ, and to exercise your gifts as a probationer for the holy ministry in this Church; and we commend you to the grace of God in the discharge of all your duties as a preacher of the Gospel."

2. Preamble and Questions at the Ordination or Induction of a Minister.

Preamble.

(To be publicly read when the Questions are put.)

It is hereby declared, that the following Questions are put in view of Act 1647, approving of the Confession of Faith; Act XII. 1846 of the Free Church of Scotland; Declaratory Act 1879 of the United Presbyterian Church; and Act XII. 1892, with relative Act of 1894, of the Free Church; and that ministers are entitled to avail themselves of any of these Acts.

It is hereby also declared, that the documents referred to in Question No. 4, and there named for brevity the Claim of Right of 1842, the Protest of 1843; and the Basis of Union of 1847, are respectively the "Claim, Declaration, and Protest adopted by the General Assembly of the Church of Scotland in 1842," and the "Protest of Ministers and Elders, Commissioners from Presbyteries to the General Assembly, read in presence of the Royal Commissioner, on 18th May 1843," and the "Basis of Union adopted by the Synod of the United Presbyterian Church on 13th May 1847."

Questions.

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, and the only rule of faith and life?

2. Do you sincerely own and believe the doctrine of this Church, set forth in the Confession of Faith, approven by Acts of General Synods and Assemblies; do you acknowledge the said doctrine as expressing

APPENDIX I.

Questions and Formula.

the sense in which you understand the Holy Scriptures; and will you constantly maintain and defend the same, and the purity of worship in accordance therewith?

3. Do you disown all Popish, Arian, Socinian, Arminian, Erastian, and other doctrines, tenets, and opinions whatsoever, contrary to and inconsistent with the said doctrine of this Church?

4. Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a government in the hands of church-officers, distinct from, and not subordinate in its own province to, civil government, and that the civil magistrate does not possess jurisdiction or authoritative control over the regulation of the affairs of Christ's Church; and do you approve of the general principles with respect to the spirituality and freedom of the Church of Christ, and her subjection to Him as her only Head, and to His Word as her only standard, embodied in the Claim of Right of 1842, the Protest of 1843, and the Basis of Union of 1847, as principles which are sanctioned by the Word of God and the subordinate standards of this Church?

5. Do you acknowledge the Presbyterian government and discipline, as authorised in this Church, to be founded on, and agreeable to, the Word of God; do you promise to maintain, and submit to, the said government and discipline; and, while cherishing a spirit of brotherhood towards all the faithful followers of Christ, do you engage to seek the purity, edification, peace, and extension of this Church?

6. Are not zeal for the glory of God, love to the Lord Jesus Christ, and desire of saving souls, and not worldly designs or interests, so far as you know your own heart, your great motives and chief inducements to enter into the office of the holy ministry?

7. Do you promise to be subject in the Lord to this Presbytery, and to the superior judicatories of this Church, and conscientiously to take your part in their proceedings?

8. Do you engage, in the strength of the grace that is in Jesus Christ, our Lord and Master, to rule well your own house, to live a holy and circumspect life, and faithfully, diligently, and cheerfully to discharge all the parts of the ministerial work, to the edification of the body of Christ?

9. Have you used any undue methods, either by yourself or others, to procure the call of this congregation?

To the Congregation.

(*The Members of the Church being requested to stand, this Question is put to them.*)

10. Do you, the members of this congregation, testify your adherence to the call which you have given to Mr. A. B. to be your minister; do you receive him with all gladness, and promise to give him all dutiful respect, encouragement, and obedience in the Lord; and do you undertake to contribute heartily, as the Lord shall enable you, for the maintenance of the Christian ministry, and the furtherance of the Gospel?

[*An opportunity is here given to the Members of the Church of signifying their assent to this Question by holding up their right hands.*]

To the Minister.

11. Do you adhere to your acceptance of the call to be pastor of this congregation, and promise, through grace, to perform all the duties of a faithful minister of the Gospel among this people?

12. And these things you profess and promise through grace, as you would give in your account with joy at the coming of our Lord Jesus

Christ with all His saints, and have an entrance ministered to you abundantly into His everlasting kingdom ? Questions and Formula.

Declaration of Ordination or Induction of a Minister.

Prayer being ended, the Moderator, addressing the Minister-elect, says :—

In the Name of the Lord Jesus Christ, the King and Head of the Church, we do hereby *declare you to be ordained to the office of the holy ministry, and* induct you to the pastoral charge of this congregation ; and we commend you to the grace of God in the discharge of all your duties as a minister of the Gospel.

Note.—In the Induction of a Minister previously ordained, the words "*declare you to be ordained to the office of the holy ministry, and,*" are omitted.

3. Preamble and Questions at the Ordination of a Missionary.

Preamble.

(*To be publicly read when the Questions are put.*)

It is hereby declared, that the following Questions are put in view of Act 1647 approving of the Confession of Faith ; Act XII. 1846 of the Free Church of Scotland ; Declaratory Act 1879 of the United Presbyterian Church ; and Act XII. 1892, with relative Act of 1894, of the Free Church ; and that Ministers are entitled to avail themselves of any of these Acts.

It is hereby also declared, that the documents referred to in Question No. 4, and here named for brevity the Claim of Right of 1842, the Protest of 1843, and the Basis of Union of 1847, are respectively the "Claim, Declaration, and Protest adopted by the General Assembly of the Church of Scotland in 1842," and the "Protest of Ministers and Elders, Commissioners from Presbyteries to the General Assembly, read in presence of the Royal Commissioner, on 18th May 1843," and the "Basis of Union adopted by the Synod of the United Presbyterian Church on 13th May 1847."

Questions.

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, and the only rule of faith and life ?

2. Do you sincerely own and believe the doctrine of this Church, set forth in the Confession of Faith approven by Acts of General Synods and Assemblies ; do you acknowledge the said doctrine as expressing the sense in which you understand the Holy Scripture, and will you constantly maintain and defend the same, and the purity of worship in accordance therewith ?

3. Do you disown all Popish, Arian, Socinian, Arminian, Erastian, and other doctrines, tenets, and opinions whatsoever, contrary to and inconsistent with the said doctrine of this Church ?

4. Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a government in the hands of church-officers, distinct from, and not subordinate in its own province to, civil government, and that the civil magistrate does not possess jurisdiction or authoritative control over the regulation of the affairs of Christ's Church ; and do you approve of the general principles with respect to the spirituality and freedom of the Church of Christ, and her subjection to Him as her only Head, and to His Word as her only standard,

APPENDIX I.

Questions and Formula.

embodied in the Claim of Right of 1842, the Protest of 1843, and the Basis of Union of 1847, as principles which are sanctioned by the Word of God and the subordinate standards of this Church?

5. Do you acknowledge the Presbyterian government and discipline, as authorised in this Church, to be founded on, and agreeable to, the Word of God; do you promise to maintain, and submit to, the said government and discipline; and, while cherishing a spirit of brotherhood towards all the faithful followers of Christ, do you engage to seek the purity, edification, peace, and extension of this Church?

6. Are not zeal for the glory of God, love to the Lord Jesus Christ, and desire of saving souls, and not worldly designs or interests, so far as you know your own heart, your great motives and chief inducements to enter into the office of the holy ministry?

7. Do you promise to be subject in the Lord to this Church and its judicatories, and conscientiously to take part in their proceedings as you have opportunity?

8. Do you engage, in the strength of the grace that is in Jesus Christ, our Lord and Master, to rule well your own house, to live a holy and circumspect life, and faithfully, diligently, and cheerfully to discharge in all its parts the work of a Minister and Missionary, to the increase and edification of the body of Christ?

9. Do you adhere to your acceptance of the call to be a Missionary of this Church, and promise, through grace, to perform all the duties of a faithful Missionary of the Gospel among the people to whom you are sent?

10. And these things you profess and promise through grace, as you would give in your account with joy at the coming of our Lord Jesus Christ with all His saints, and have an entrance ministered to you abundantly into His everlasting Kingdom?

DECLARATION OF ORDINATION OF MISSIONARY.

Prayer being ended, the Moderator, addressing the Missionary-designate, says:—

In the Name of the Lord Jesus Christ, the King and Head of the Church, we do hereby declare you to be ordained to the office of the holy ministry, and appointed to missionary service in connection with this Church; and we commend you to the grace of God in the discharge of all your duties as a Missionary.

4. PREAMBLE AND QUESTIONS AT THE ORDINATION OR INDUCTION OF A PROFESSOR.

PREAMBLE.

(*To be publicly read when the Questions are put.*)

It is hereby declared that the following questions are put in view of Act 1647, approving of the Confession of Faith; Act XII. 1846 of the Free Church of Scotland; Declaratory Act 1879 of the United Presbyterian Church; and Act XII. 1892, with relative Act of 1894, of the Free Church; and that ministers are entitled to avail themselves of any of these Acts.

It is hereby also declared that the documents referred to in Question No. 4, and there named for brevity the Claim of Right of 1842, the Protest of 1843, and the Basis of Union of 1847, are respectively the "Claim, Declaration, and Protest adopted by the General Assembly of the Church of Scotland in 1842," and the "Protest of Ministers and Elders, Commissioners from Presbyteries to the General Assembly, read in presence of the Royal Commissioner, on 18th May 1843," and the

Basis of Union adopted by the Synod of the United Presbyterian Church on 13th May 1847.

Questions and Formula.

QUESTIONS.

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, and the only rule of faith and life?

2. Do you sincerely own and believe the doctrine of this Church, set forth in the Confession of Faith approven by Acts of General Synods and Assemblies; do you acknowledge the said doctrine as expressing the sense in which you understand the Holy Scriptures; and will you constantly maintain and defend the same, and the purity of worship in accordance therewith?

3. Do you disown all Popish, Arian, Socinian, Arminian, Erastian, and other doctrines, tenets, and opinions whatsoever, contrary to and inconsistent with the said doctrine of this Church?

4. Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a government in the hands of church-officers, distinct from, and not subordinate in its own province to, civil government, and that the civil magistrate does not possess jurisdiction or authoritative control over the regulation of the affairs of Christ's Church; and do you approve of the general principles with respect to the spirituality and freedom of the Church of Christ, and her subjection to Him as her only Head, and to His Word as her only standard, embodied in the Claim of Right of 1842, the Protest of 1843, and the Basis of Union of 1847, as principles which are sanctioned by the Word of God, and the subordinate standards of this Church?

5. Do you acknowledge the Presbyterian government and discipline, as authorised in this Church, to be founded on, and agreeable to, the Word of God; do you promise to maintain, and submit to, the said government and discipline; and, while cherishing a spirit of brotherhood towards all the faithful followers of Christ, do you engage to seek the purity, edification, peace, and extension of this Church?

6. Are not zeal for the glory of God, love to the Lord Jesus Christ, and desire of saving souls, and not worldly designs or interests, so far as you know your own heart, your great motives and chief inducements to enter *on the discharge of the functions of your sacred office*?

NOTE.—In the case of an ordination, omit the words "*on the discharge of the functions of your sacred office*," and read "*into the office of the holy ministry.*"

7. Do you promise to be subject in the Lord to this Presbytery, and to the superior judicatories of this Church, and conscientiously to take your part in their proceedings?

8. Do you engage, in the strength of the grace that is in Jesus Christ, our Lord and Master, to rule well your own house, to live a holy and circumspect life, and faithfully, diligently, and cheerfully to discharge all the parts of the ministerial and professorial work?

9. Have you used any undue methods, either by yourself or others, to obtain the appointment to this office?

10. Do you adhere to your acceptance of the appointment to be a Professor in . . . College, and promise, through grace, faithfully to perform all the duties of your office.

11. And these things you profess and promise through grace, as you would give in your account with joy at the coming of our Lord Jesus Christ with all His saints, and have an entrance ministered to you abundantly into His everlasting kingdom.

APPENDIX I.

Questions and Formulæ

5. PREAMBLE AND QUESTIONS AT THE ORDINATION OR INDUCTION OF ELDERS.

PREAMBLE.

(To be publicly read when the Questions are put.)

It is hereby declared, that the following Questions are put in view of Act 1647, approving of the Confession of Faith; Act XII. 1846 of the Free Church of Scotland; Declaratory Act 1879 of the United Presbyterian Church; and Act XII. 1892, with relative Act of 1894, of the Free Church; and that elders are entitled to avail themselves of any of these Acts.

It is hereby also declared, that the documents referred to in Question No. 3, and there named for brevity the Claim of Right of 1842, the Protest of 1843, and the Basis of Union of 1847, are respectively the "Claim, Declaration, and Protest adopted by the General Assembly of the Church of Scotland in 1842," and the "Protest of Ministers and Elders, Commissioners from Presbyteries to the General Assemblies read in presence of the Royal Commissioner, on 18th May 1843," and the "Basis of Union adopted by the Synod of the United Presbyterian Church on 13th May 1847."

QUESTIONS.

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, and the only rule of faith and life?

2. Do you sincerely own and believe the doctrine of this Church, set forth in the Confession of Faith approven by Acts of General Synods and Assemblies; do you acknowledge the said doctrine as expressing the sense in which you understand the Holy Scriptures; and will you constantly maintain and defend the same, and the purity of worship in accordance therewith?

3. Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a government in the hands of church-officers, distinct from, and not subordinate in its own province to, civil government, and that the civil magistrate does not possess jurisdiction or authoritative control over the regulation of the affairs of Christ's Church? and do you approve of the general principles with respect to the spirituality and freedom of the Church of Christ, and her subjection to Him as her only Head, and to His Word as her only standard, embodied in the Claim of Right of 1842, the Protest of 1843, and the Basis of Union of 1847, as principles which are sanctioned by the Word of God and the subordinate standards of this Church?

4. Do you acknowledge the Presbyterian government and discipline, as authorised in this Church, to be founded on, and agreeable to, the Word of God; do you promise to maintain, and submit to, the said government and discipline; and, while cherishing a spirit of brotherhood towards all the faithful followers of Christ, do you engage to seek the purity, edification, peace, and extension of this Church?

5. Are not zeal for the glory of God, and a desire to serve the Lord Jesus Christ, in the work of His kingdom, so far as you know your own heart, your great motives to enter into the office of ruling elder?

6. Do you adhere to your acceptance of the call to become ruling elder of this congregation, and do you engage in the strength of the grace of Jesus Christ, our Lord and Master, faithfully, diligently, and cheerfully to discharge all the duties of this office?

7. And these things you profess and promise through grace, as you would give in your account with joy at the coming of our Lord Jesus Christ with all His saints, and have an entrance ministered to you abundantly into His everlasting kingdom?

6. Formula of Subscription.

Questions and Formula.

(To be subscribed by Probationers on receiving licence, and by all Ministers and Elders at the time of their admission.)

I, , do hereby declare that, in the strength of the grace that is in Christ Jesus our Lord, I will constantly maintain and defend the doctrine, worship, and government of this Church, with the liberty and exclusive spiritual jurisdiction thereof, as expressed in my answers to the questions put to me; and that I will fulfil, to the utmost of my power, all the obligations to which I have solemnly pledged myself.

7. Preamble, Questions, and Formula at the Ordination of Deacons.

Preamble.

(To be publicly read when the Questions are put.)

It is hereby declared, that the following questions are put in view of Act 1648, approving of the Shorter Catechism; Act XII. 1846 of the Free Church of Scotland; Declaratory Act 1879 of the United Presbyterian Church; and Act XII. 1892, with relative Act of 1894, of the Free Church; and that Deacons are entitled to take advantage of any of these Acts.

Questions.

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, and the only rule of faith and life?
2. Do you sincerely own and receive as in accordance with Holy Scripture the system of evangelical truth taught in this Church, and set forth in the Westminster Shorter Catechism?
3. Do you approve of the Presbyterian government and discipline of this Church; and are you persuaded that the civil magistrate has no jurisdiction or authoritative control over the regulation of the affairs of Christ's Church?
4. Do you accept of your call to the office of Deacon in this congregation, and promise through grace, faithfully, diligently, and cheerfully to discharge all the duties thereof?

Formula.

(To be subscribed by Deacons at the time of their admission.)

I, , hereby declare that I sincerely own and receive, as in accordance with Holy Scripture, the system of evangelical truth taught in this Church, and set forth in the Shorter Catechism. I approve of the Presbyterian government and discipline of this Church. I am persuaded that the civil magistrate has no jurisdiction or authoritative control over the regulation of the affairs of Christ's Church; and I promise, through grace, to perform all the duties of the Deaconship faithfully and cheerfully.

III. Declarations anent Union.

(Acts of Assembly 1900, *page* 4.)

Declarations anent Union.

The Assembly declares that the Church enters into this Union, and authorises it in view of the following express Declarations, viz.:—

APPENDIX I.

Declarations anent Union.

1. The various matters of agreement between the Churches with a view to Union are accepted and enacted without prejudice to the inherent liberty of the united Church, as a Church of Christ, to determine and regulate its own constitution and laws as duty may require, in dependence on the grace of God and under the guidance of His Word.

2. The Larger and Shorter Catechisms of the Westminster Assembly received and sanctioned by the General Assembly of 1648, and heretofore enumerated among the doctrinal standards of the United Presbyterian Church, continue to be received in the United Church as manuals of religious instruction long approved, and held in honour by the people of both Churches.

3. As this Union takes place on the footing of maintaining the liberty of judgment and action heretofore recognised in either of the Churches uniting, so, in particular, it is hereby declared that members of both Churches, and also of all Churches which in time past have united with either of them, shall have full right as they see cause, to assert and maintain the views of truth and duty which they had liberty to maintain in the said Churches.

4. While thankfully owning the goodness of God in time past, in moving the hearts of their people to provide means for carrying on the work of the Gospel, the Churches in entering into Union, and under a sense of their present and future responsibilities as a Church of Christ, desire afresh to acknowledge the obligation resting on the Church to labour for the universal diffusion of the Gospel, and the duty of its members to contribute, according to their ability, for the support of the Gospel and the extension of the cause of Christ throughout the world.

IV. ACT ANENT PLAN OF UNION.

(*Act III., Assembly*, 1900.)

Plan of Union.

The Assembly hereby adopt the proposals of the Joint Union Committee, contained in the Appendix to their Report, under the several general heads of the *Training of the Ministry*, *Provision for the Ministry*, *Rules and Forms of Procedure*, and *Office Arrangements* (including *Treasurers and Secretaries*, *Special Collections*, *Assembly Expenses*, and *Publications*), and they instruct Synods and Presbyteries and other bodies concerned to conduct the business of the United Free Church in accordance with these Regulations.

1. (QUESTIONS AND FORMULA AS IN II. PAGE 108.)

2. TRAINING OF THE MINISTRY.

There shall be three Colleges in the United Church, one in Edinburgh, one in Glasgow, and one in Aberdeen.

The Curriculum in the Three Colleges of the United Church shall be as nearly as possible uniform.

Students who have prior to the Union of the two Churches begun

attendance at the University with a view to the Ministry in either of the Churches, shall have the right to complete their studies in terms of the regulations in force in the Church with which they were connected when they entered the University. Plan of Union

University Curriculum.

Students shall pass the Preliminary Examination in Arts as prescribed by the Ordinance of the University Commission.

Students shall take a curriculum that will qualify for graduation in Arts, with or without Honours.

Scholarships for Students at the Universities.

As far as possible, these scholarships shall be united into one Scheme for the entire United Church and all the Scottish Universities; the holders of Scholarships and Bursaries, which are under the control of the Churches, shall be determined by one examination for the whole Church, and the successful students shall be at liberty to attend any University they please, except where this is precluded by the special conditions of the scholarships which they hold. It is hoped that those having charge of local bursaries will co-operate, as far as possible, in the scheme for a uniform examination.

The three years' course at the Universities necessary for graduation naturally divides the Scheme of Scholarships for the Universities into three sections as at present in existence, more especially in the United Presbyterian Church. No radical change is therefore needed, and all changes required, arising from the varying circumstances from year to year, shall be adjusted by the College Committee (see Report on College Committee, section 2). By "the varying circumstances from year to year" is meant such things as the number of Students, the marks attained, the Scholarships vacant, and the like.

Entrance Examination.

Graduates in Arts shall be examined in Scripture, and also in Hebrew, Latin, and Greek, if these subjects have not been included in the Examination for their Degree.

Non-graduates in Arts shall be examined in Scripture, Hebrew, Latin, Greek, Logic and Metaphysics, Moral Philosophy, English, Mathematics or Natural Philosophy, except in so far as they have already passed Degree Examinations in any of these subjects.

In the case of Students preparing for the Mission Field, Graduation in Medicine shall be accepted as qualifying for admission to the Hall, provided that such students shall pass an Examination in Scripture, Hebrew, Latin, and Greek.

Graduates of other than Scottish Universities, whose curriculum is recognised for this purpose by the Assembly of the United Church, shall be admitted to the Entrance Examination on the same conditions as Graduates of Scottish Universities.

Admission to the Theological Hall.

Applicants for admission to the Theological Hall shall be nominated to the Presbytery of the bounds by their Ministers, who shall certify that they are members in full communion with the Church, and submit their University Class tickets and Certificates as prescribed by the Church.

Presbyteries shall confer with all applicants who have been duly nominated to them in regard to their piety and motives, and on being satisfied as to these and also as to their general fitness to go forward to the office of the ministry, shall certify them to the College Committee for admission to the Entrance Examination.

APPENDIX I.
Plan of Union.

The names of all Students certified for admission to the Entrance Examination shall be forwarded to the Clerk of the College Committee before the end of August.

After the results of the Entrance Examination have been declared, the Clerk of the College Committee shall transmit to the Clerk of the Senatus of each College the names of the Students intending to study at that College, who have passed the Examination, and these shall be enrolled as regular Students.

Scholarships for Students at the Theological Colleges.

Following the same general line as in the University Scholarships, the whole of the Scholarships for the Theological Colleges shall be united into one scheme for the entire Church and for all the Colleges. Entrants to any of the Colleges competing for scholarships or bursaries shall be subjected to one examination for the whole Church, and the successful students shall be at liberty to select the colleges which they shall attend, except when this is precluded by the special conditions of the scholarships which they hold. In the event of a student determining beforehand to attend any particular college, he is required to state this in his schedule of application, so that he may not have a scholarship assigned to him which would compel him to attend a different college.

The same principle shall be carried out with regard to the Brown-Downie Fellowship (£100), and the Kerr Travelling Scholarship (about £100), at present attached to the United Presbyterian College.

As the course at the Free Church Colleges has hitherto been a four years' course, the system of Scholarships connected with these Colleges falls in at once with the four years' course proposed in the United Church. Further, Scholarships attached to special Colleges or Presbyteries or other bodies, must remain as they are at present, so that they admit of no new arrangements. There is no practical difficulty in the way of adapting the Scholarships of the United Presbyterian Church to a four years' course.

The following is recommended as a general scheme to be aimed at by the College Committee in administering the Scholarships for the Theological Colleges, viz: That there be two Sections—Section I. for Students entering the First Session; and Section II. for Students entering the Third Session. This falls in at once with the scheme at present in force in the Free Church Colleges in Edinburgh and Glasgow, and as nearly as possible coincides with that at present in force in the United Presbyterian Church, which has a Section I. for Students entering the First Session, and a Section II. for Students who are as a rule entering the Second Session.

Theological Hall Curriculum.

The following arrangement of subjects should be adopted as the scheme to be aimed at in the organisation of the Colleges, viz.:—

1. OLD TESTAMENT LANGUAGE AND LITERATURE, including Textual Criticism, Introduction, Exegesis, and Old Testament Theology.
2. NEW TESTAMENT LANGUAGE AND LITERATURE, including Textual Criticism, Introduction, and Exegesis.
3. APOLOGETICS (including the Relation of Natural Science to Religion), Comparative Religion, and Ethics.
4. DOGMATICS, including Symbolics.
5. CHURCH HISTORY, including History of Doctrine.
6. PRACTICAL TRAINING, including Doctrine and Government of the Church, Homiletics, the Conduct of Public Worship, and Pastoral Duties.
7. NEW TESTAMENT THEOLOGY,

Plan of Union.

In view of the number of subjects which it is desirable to include in a Theological Curriculum, and considering that the adequate treatment of these subjects will require that there be at least six Chairs in Edinburgh, six in Glasgow, and five in Aberdeen, the necessities of Theological education will be best met by arranging for a curriculum of four sessions such as is suggested in the following outline:—

First Session.—Old Testament Language and Literature, New Testament Language and Literature, and Apologetics.

Second Session.—Old Testament Language and Literature, New Testament Language and Literature, and Dogmatics.

Third Session.—Church History, New Testament Theology, and Dogmatics.

Fourth Session.—Church History, Practical Training, and Ethics.

At the same time, in view of the fact that a considerable number of Presbyteries have expressed preference for a three years' curriculum, and also that students who have, previous to the Union, entered on their training for the ministry are to be allowed to finish their studies in accordance with the present rules of each Church, the question has been reserved for final settlement by the United Church in the light of its experience.

Arrangements should be made for the holding of optional or advanced classes in some of the subjects of the curriculum, and for the study of Elocution.

In accordance with the foregoing recommendations, the Committee submit the following as the Complete Scheme for the three Colleges:—

EDINBURGH COLLEGE.

Principal, Robert Rainy, D.D.

Old Testament Language, Literature, and Theology,	A. B. Davidson, D.D., LL.D., and James A. Paterson, D.D.
New Testament Language, Literature, and Theology,	Marcus Dods, D.D.
Apologetics, Ethics, and Practical Training,	Alexander Martin, D.D.
Dogmatics,	John Laidlaw, D.D., and James Wardrop, D.D.
Church History,	Robert Rainy, D.D.
Natural Science,	John Duns, D.D.
Evangelistic Theology,	
Elocution,	

GLASGOW COLLEGE.

Joint Principals, George C. M. Douglas, D.D., and George C. Hutton, D.D.*

Old Testament Language, Literature, and Theology,	George Adam Smith, D.D., LL.D.
New Testament Language, Literature, and Theology,	James Denney, D.D.
Apologetics and Dogmatics,	James Orr, D.D.
Church History,	T. M. Lindsay, D D.
Practical Training and Ethics,	Alexander Hislop, D.D.
Natural Science,	
Evangelistic Theology,	
Elocution,	

* Dr. Hutton's appointment as Principal of the United Presbyterian College was made for five years at a time, and was last renewed in 1897.

APPENDIX I.

Plan of Union.

ABERDEEN COLLEGE.

Principal, S. D. F. SALMOND, D.D.

Old Testament Language, Literature, and Theology,	GEORGE G. CAMERON, D.D.
New Testament Language and Literature,	ROBERT JOHNSTONE, D.D.
Apologetics and Ethics,	JAMES IVERACH, D.D.
Dogmatics,	S. D. F. SALMOND, D.D.
Church History,	JAMES ROBERTSON, D.D.
Natural Science,	
Evangelistic Theology.	
Elocution,	

Practical Training and New Testament Theology to be undertaken by the Professors, as may be arranged by the Senatus.

Natural Science.

The Committee beg to submit, for the information of the Supreme Courts, the following statement regarding the teaching of Natural Science in the Free Church Colleges:—

Edinburgh.—The Chair of Natural Science is a full Professorship, and the incumbent draws an equal share with the other professors from all the sources of revenue. Last year a legacy of £9000 was received (£10,000, less duty), left for the endowment of this Chair.

Glasgow.—This also is a full Professorship, but since the death of the last incumbent it has been administered by the General Assembly as a Lectureship with annual appointments. The amount paid to the Lecturer is £200 per annum.

Aberdeen.—The Thomson Lectureship on Natural Science and Theology was endowed by the late Alexander Thomson, Esq., of Banchory. The Lecturer is appointed by the Senatus, subject to the approval of the College Committee.

The Committee recommend that meanwhile the existing arrangements for the teaching of Natural Science be continued in the Colleges of the United Church.

Evangelistic Theology.

The Committee recommend that meanwhile the Lectureship on Evangelistic Theology be continued.

Elocution.

The Committee recommend that, as at present is the case, the arrangements for the teaching of Elocution be left in the hands of the Senate of each College.

Professors' Salaries.

The Committee, finding that the salaries of the United Presbyterian Professors are fixed at £600 per annum, and that the salaries of the Free Church Professors have averaged over the last three years—in Edinburgh, £608; in Glasgow, £578; and in Aberdeen, £519, recommend:—

I. That these amounts be meanwhile the fixed salaries of said Professors respectively.

II. That, as soon as may be found practicable, the United Church shall frame a permanent scheme of financial administration for the Colleges on the basis of minimum salaries, not less than the above in the respective Colleges.

III. That, until such scheme has been adopted by the Church, the following provisional arrangements be followed, viz.:— Plan of Union.

1. The Income arising from the invested funds of the United Presbyterian College shall be used (after deduction of the usual charges and expenses) to pay *pro tanto* the salaries of the Professors at present holding office in the United Presbyterian College.

2. The income arising from the invested funds in each of the Free Church Colleges—Edinburgh, Glasgow, and Aberdeen—respectively shall be used (after deducting the usual charges and expenses) to pay, *pro tanto*, the salaries of the Professors presently holding office in each of these Colleges respectively; and in the event of there being a surplus of such income in connection with any of these Colleges after paying the above-named salaries, the surplus shall be applied towards making up, *pro tanto*, the salaries of former United Presbyterian Professors who may hold office in that College.

Note.—Craigfoodie Endowment which, in terms of the bequest, is divided equally among all the Professors in the Edinburgh College, will be considered as part of their salary.

3. The balance required to make up the salaries in each College respectively to the minimum amounts shall be provided, first, by the fees of each College; and second, out of the Collection to be made in each congregation of the Church for College purposes (after deduction of the usual charges and expenses).

Note.—The salaries of the Principals of the several Colleges are included in the charges for which provision is made in the foregoing proposals.

4. The annual income arising from an appeal now being made to the public by the Financial Board of Aberdeen College, shall be applied to supplement the salaries of £519 attached by the Union Committee's Scheme to the four Free Church Chairs at Aberdeen, so long as the yearly emoluments from all sources do not exceed £586 to each of those now in office, or until a permanent scheme of financial administration for the Colleges has been framed and adopted, securing for the said Professors annual incomes not less than the said sum of £586.

Professors' Retiring Allowances.

1. With regard to present Free Church Professors the arrangements existing in the Free Church shall continue in force in the United Church.

2. Should occasion arise to provide a retiring allowance for any of the present United Presbyterian Professors, previously to the adjustment of a scheme of retiring allowances applicable to all the Professors in the United Church, such retiring allowance shall be provided out of the income from the present Theological Hall Capital Fund of the United Presbyterian Church.

Salaries in connection with Scholarships and Examinations, etc.

The Rev. Alexander Duncan, Clerk of the United Presbyterian College Committee, shall be appointed to act as "Clerk for Scholarships" in connection with the College Committee of the United Church and continue to sit as a corresponding member of the Committee, and the salary at present paid to him out of the Scholarship Fund of the United Presbyterian Church shall continue to be so paid in respect of his services in the above capacity; also, his services shall be retained at not less than the present salary in connection with Students' examinations.

The services of the Rev. James Kennedy, of the Free Church shall be retained at not less than the present salary in connection with Students' examinations.

The present Synod Librarian shall continue to take charge of the

APPENDIX I.
Plan of Union.

Library in Castle Terrace, and shall undertake such other duties as may suitably be assigned him in the United Church.

The Library shall be under the care of a Committee consisting of the members of the Senate of Edinburgh College, two members of the Senate of Glasgow College to be appointed by the Senate, and certain members appointed by the College Committee from its own number, the Principal of the Edinburgh College to be Convener.

The outlay for books and general expenses shall be met from the Synod's Edinburgh Library Account: and the salary of the Librarian shall be paid from the Synod's General Fund.

Students' Fees.

The Sub-Committee recommend that all regular Students attending the Colleges of the United Church shall, at the beginning of each session, pay a fee of Five Pounds which shall entitle to matriculation, enrolment in the classes, and the use of the library for the ensuing year.

Note.—In the United Presbyterian Church a proportion of the Students' Fees was paid into the Synod's Fund towards the up-keep of the Library. After the union of the Colleges this payment will necessarily cease to be made.

Presbyterial Superintendence.

During each recess Students shall appear at least once before the Presbytery under whose superintendence they are, either to be examined on Theology or to deliver a Discourse.

Licence.

1. Students entering on the last session of their Theological Course, shall intimate to the College Committee the Presbytery to which they intend to apply for licence. The College Committee shall draw up a list of these students and their Presbyteries, and shall send a copy of the same, not later than 15th December in each year, to the Clerk of each Presbytery in the Church, to be laid before his Presbytery, with the intimation that, if no objections are received from any other Presbytery by the Presbytery to which a student applies for licence before the 15th day of April following, the said Presbytery will proceed to take such student on Trials.

2. If, for any special reason deemed sufficient by the Presbytery to which he applies for licence, the name of any student has not been given in for insertion in the aforesaid list, the Presbytery may itself send his name to the other Presbyteries of the Church, with intimation that, if no objections are received within three calendar months it will proceed to take him on Trials. In this case the expense of intimation shall fall on the student himself.

3. No Presbytery shall receive a student on Trials without certification that he has satisfied the requirements of the College Committee, and unless it has satisfied itself as to his character. And the Presbytery may require testimonials as to a student's character and conduct from any other Presbytery within whose bounds he has resided at any time during the year preceding licence.

Trials for Licence.

1. The Presbytery which takes a student on Trials shall require from him the following exercises on subjects which it has prescribed:—(*a*) a Lecture; (*b*) a Sermon; (*c*) a Thesis. It shall also examine him on Doctrine and Experimental Theology, but it is empowered to dispense with other examinations. The Presbytery are urged to give attention to the matter of delivery.

2. At the request of the student, it shall be competent to any Presbytery to transfer to another Presbytery the receiving of the Trials or any part thereof, certifying to the Presbytery to which the transference is made whether the student has been regularly received for Trials, and what part (if any) of his Trials has already been sustained. Plan of Union.

3. The Trials having been sustained, the student shall be required to answer the Questions prescribed by the Church, and to sign the relative Formula. Thereupon the Moderator, after prayer, shall put to the Presbytery the question "License or not?" If it is resolved to proceed to license, the Moderator shall address the student as follows:—"In the Name of the Lord Jesus Christ, the King and Head of the Church, and in the exercise of the authority with which He has invested its office-bearers, we the Presbytery of , do now license you, A. B., to preach the Gospel of Christ, and to exercise your gifts as a probationer for the holy ministry in this Church; and we commend you to the grace of God in the discharge of all your duties as a preacher of the Gospel." The Moderator shall then address suitable counsels to the Licentiate, and conclude with prayer. The Clerk of Presbytery shall furnish the Licentiate with an extract of his Licence. He shall also within a week after the student has been licensed send the name and address of the Licentiate, with the date of his Licence, to the Clerk of the Committee on the Distribution of Probationers.

Trials for Ordination.

Presbyteries shall require, as Trials for Ordination, at least a Lecture and a Sermon.

Distribution of Probationers.

1. The General Assembly shall appoint a Committee on Distribution of Probationers. This Committee shall prepare and keep a roll called the Roll of Probationers, on which shall be entered the names and dates of licence of all licentiates (unless any such signify their wish to have their names omitted), and the names of ministers who have had probation granted them, and of ministers and preachers admitted as probationers from other denominations.

2. Ministers who have been admitted to the Roll shall have probation entitling them to appointments in vacant congregations for a period of three years from the date of their admission. Licentiates shall be entitled to appointments for a period of seven years, except as provided under 3.

3. The names of licentiates shall not be removed from the Roll until they have received at least fourteen appointments to vacancies, and, in order to secure that, if practicable, this minimum shall be reached during their seven years' probation, the Committee shall at the beginning of each year ascertain the number of vacancies in which each of the probationers who have been six years on the Roll has preached, and they shall, if possible, give to such of them as have not had the specified minimum of opportunities sufficient appointments during their last year to complete that number.

4. After the expiry of his term of probation, a licentiate may be appointed to a vacancy when specially requested by the congregation concerned.

5. When ministers or licentiates withdraw their names from the Roll of Probationers, for any cause that the Committee shall approve, the time of their absence is not reckoned in the period of probation.

6. The Committee shall note in their register the date at which appointments to any minister or licentiate on their Roll commenced, the number of appointments each receives and fulfils, and a record of the time, if any, during which his name has been removed from the Roll with the approval of the Committee.

7. After each meeting of Presbytery, at which vacancies (including colleagueships) have been intimated, or calls sustained, or ordinations or inductions fixed, the Clerk of the Presbytery shall give intimation of the same to the Clerk of the Distribution Committee. In the case of vacancies, he shall also furnish the Clerk of the Committee with the names and addresses of the Interim Moderator and Session-Clerk in every vacant congregation requiring supply from the Committee.

8. The Committee shall publish a Quarterly Scheme containing the names of all the Probationers on the Roll; of all the vacancies in the Church, whether they receive appointments from the Committee or not; and of all appointments which have been made.

9. The Committee shall send this quarterly scheme, as soon as prepared,

(*a*) To all Presbytery Clerks;

(*b*) To the Interim Moderator and Session-Clerk in all vacancies which are receiving supply from the Committee, with the addresses of those probationers who have been appointed as supply to those congregations;

(*c*) To the probationers, with the name and address of the Interim Moderator and Session-Clerk in those vacancies to which the probationers may be appointed as supply.

10. Appointments of probationers to vacancies shall be made only by the Committee of Distribution.

11. The Clerk of Committee, on receiving applications for occasional supply to the pulpits of ministers, shall, so far as in his power, provide the supply required by issuing appointments to probationers not otherwise under appointment; and such occasional appointments shall be intimated both to the minister applying and to the probationer appointed.

12. Private arrangements as to occasional supply between a presbytery or a minister and a probationer shall be immediately notified by the probationer to the Clerk of the Committee, but they shall not be considered binding should any appointments for the same day or days have been issued to him by the Committee before receipt of such notice. On receiving any such notice, the clerk shall by first post intimate if there is any obstacle to the arrangement taking effect.

13. Probationers are required to advise the Clerk of the addresses where letters and telegrams will immediately find them, and to acknowledge communications in regard to preaching engagements by return of post.

14. When a vacant congregation desires to hear any particular probationers, their names shall be sent on by the Interim Moderator to the Clerk of the Committee; and the Committee shall, so far as possible, give effect in its appointments to such requests. But such requests shall only be granted to the extent of one-half of the probationers appointed to supply in that vacancy.

15. When a probationer has been elected to a vacant congregation, the Interim Moderator shall give notice to the Clerk of the Committee, who shall cancel further appointments made for that congregation, and when a probationer accepts a call, he shall give notice to the Clerk of the Committee, who shall cancel any appointments to other vacancies that may have been made to him. Congregations, which have made an election, shall, if still supplied by the Committee, not be considered as vacancies.

16. Congregations are strongly recommended not to elect a probationer till they have had opportunity of hearing him preach on two Sabbaths.

In the event of the United Church intrusting the Highland Committee with the duties of the Distribution of Probationers in the Highlands, the same rules shall apply to their work.

Payment of Probationers. Plan of Union

It is suggested that meantime the scales of payment which have been in force in the respective congregations be continued, and that in the case of new congregations, a scale shall be provisionally fixed by the Distribution Committee. A uniform scale for the United Church shall be constructed as soon as possible after the Union.

Admission of Ministers and Probationers from other Churches.

1. A minister without a charge or a probationer from the Presbyterian Church of England, may, on producing a satisfactory presbyterial certificate, be received by the Presbytery within whose bounds he already is, or is about to become, resident. If the person so received was on the Probationers' Roll of the said Church, the Presbytery may, if he so desires, transmit his name forthwith to the Committee on Distribution of Probationers that it may be placed on the Roll. But the time already served by him as a probationer shall be deducted from the probationary period allowed in this Church.

2. In the case of ministers without charges or probationers who do not belong to the Presbyterian Church of England, the following rules shall be enforced :—

(*a*) No such minister or probationer shall be received to the status of a minister or probationer of this Church without the authority of the Supreme Court.

(*b*) Every application to be received to the status of a minister or probationer of this Church shall be made to the Presbytery within whose bounds the applicant has his ordinary residence, and the application must be made at least three months before the ordinary meeting of the Supreme Court.

(*c*) The Presbytery to which the application is made shall transmit to the Supreme Court its answers to such of the following questions as relate to the applicant's case :—

(1.) At what college or colleges did the applicant study (*a*) Arts; (*b*) Theology? How many sessions did he take? What was their length? What classes did he attend as a regular student, and in what years?

(2.) By whom and at what date was the applicant licensed to preach the Gospel?

(3.) When and by whom was the applicant ordained.

(4.) What is the denomination which the applicant has left or is about to leave?

(5.) Has the applicant been connected, as minister, preacher, or member with any other denomination or denominations?

(6.) Of what congregation or congregations has the applicant been the pastor? How long did the pastorate continue?

(7.) Under what circumstances did the applicant leave his charge?

(8.) What reasons does the applicant assign for his desire to be received into this Church?

(9.) In so far as there is a diversity of principle between this Church and that which the applicant has left or is about to leave, what account does he give of the change in his views?

(10.) Has the applicant fully acquainted himself with the Standards of this Church, and in particular with the principles expressed in the Fourth Question of the Questions and Formula; and is he prepared to assent to the Questions and Formula?

(11.) How long has the applicant resided within the Presbytery's bounds?

(12.) What opportunities has the Presbytery had of judging of the applicant's character and gifts and probable usefulness? And what is the Presbytery's opinion of the same?

APPENDIX I.

Plan of Union.

(13.) Does the Presbytery recommend the General Assembly to authorise the applicant's admission?

(*d*) When the General Assembly grants an application, it remits to the Presbytery by which the application has been transmitted to put to the applicant the Questions prescribed by the Church, and when these have been satisfactorily answered and the relative Formula signed, to receive him to the status of a minister or probationer of the Church.

3. Ministers settled in charges of the Presbyterian Church in Ireland, or of Presbyterian Churches in the Colonies with which the United Church is in connection, are eligible for call and translation in the ordinary way.

3. PROVISION FOR THE MINISTRY.

1. *Sustentation and Augmentation Fund.*

1. The United Church shall have a Fund to secure the maintenance of gospel ordinances throughout the land, so that the strong may be enabled to help the weak in a systematic as well as a brotherly manner. The Fund shall be administered by a Committee representative of the whole Church.

2. The Church shall aim at raising such an annual amount as shall provide for the ordinary charges of the Church a minimum stipend of £200.

3. It shall take such measures as may be open to it for securing that in every congregation there shall be an effective organisation for the raising of this Fund, and shall use all prudent means to bring the practice of congregations in this respect into as uniform a state as practicable.

4. While it is desirable that all the congregations of the United Church should in time adopt a uniform method of dealing with the contributions to the Fund, congregations shall be at liberty to continue the method of paying stipend to which they have been accustomed; the amount, in so far as it is within the limit of the minimum stipend for the year, to be credited to each congregation in the accounts of the Church.

5. The various conditions and rules under which payments are at present made from the Sustentation, Supplementary Sustentation, and Augmentation Funds shall remain operative until the United Church shall revise, alter, or combine them, in the light of the new situation and its requirements. In the case of new charges and of uniting congregations, the Committee shall make such interim arrangements as are most suitable in the circumstances.

It is recommended that the principles above stated be worked out in detail in the first instance as follows:—

Joint Working of Sustentation and Augmentation Funds.

Until the United Church formulates a General Scheme, the common fund made up of the contributions from all sources to the Sustentation and Augmentation Funds shall be distributed:—

1. (*a*) In payment of Equal Dividend and other payments to those under Sustentation Fund Scheme, according to the existing rules for its distribution; the equal dividend being reckoned at £160 as a maximum after deduction of payment to Widows' Fund.

(*b*) In payment of Grants to those under Augmentation Fund Scheme, according to the sanctioned Stipend Arrangements and the existing rules for distribution of Fund; the amount of Grant to include the payment formerly given as Surplus, calculated on the basis of the average of the five years previous to Union as a maximum.

2. Any surplus remaining after these payments and all other charges on the Fund have been met to be divided as extra dividend, under regulations to be drawn up, among the Ministers whose Ministerial income from all sources is less than £200. Plan of Union.
3. Congregations in which vacancies occur previous to the adoption of a General Scheme shall continue to occupy the same position as they have hitherto done.

2. *Aged and Infirm Ministers' Fund.*

1. Each fund shall continue to be administered, according to its own Rules, for the benefit of ministers ordained in either Church prior to Union.

2. The funds of the two schemes shall be kept distinct; all Legacies of date prior to the Union shall be placed to the credit of the Church designated by the Testator; any Legacies which arise from Testamentary Deeds executed after the Union restricted to capital (unless specially destined), and Income therefrom, shall be dealt with by the United Church.

3. The annual sums received from collections, donations, and legacies (other than those restricted to Capital) in the United Church shall be divided between the two funds proportionately, on the basis of the average receipts from these sources in each Church for the five years preceding the Union.

4. The United Presbyterian Church shall arrange for setting aside a portion of their Capital Fund for the benefit of the Ordained and Medical Missionaries of the Church, and thus detaching the Aged Missionaries' Fund from the Fund for Aged Ministers.

5. The United Church shall adopt until the amalgamation of the two Funds the rule presently operating in the Free Church, that no Minister ordained after the Union shall have a claim upon the Aged Ministers' Fund until he has served twenty years in the Ministry; cases of hardship being dealt with in harmony with the practice of the two Churches.

6. After the Union, and previous to any claim coming upon the Fund under the twenty years' Rule from a Minister ordained after the Union, the United Church shall arrange for the amalgamation of the two Funds, and frame Rules for the administration of a Common Fund on behalf of the Ministers of the United Church.

3. *Widows' and Orphans' Fund.*

The Committee received a report of the Sub-Committee on Property and Finance, with regard to the Widows' and Orphans' Fund, stating that they had received a report from the Trustees of the Widows' Fund, showing that the admission to the Fund of any ministers not connected with the Sustentation Fund would require a new Act of Parliament.

In accordance with the report of the Sub-Committee, the Committee, considering (1) that it is not contemplated to bring any congregations not at present on the Sustentation Fund into connection with it in the United Church, until a general scheme for the Provision for the Ministry in the United Church has been worked out; and (2) that an Act of Parliament will be much more suitably applied for when such a scheme has been completed, and full details are known: agreed to recommend to the Supreme Courts that no attempt should be made at present to alter the provisions of the Widows' and Orphans' Fund, but that, in the first instance, ministers inducted after the Union to congregations not connected with the Sustentation Fund should provide for their own insurance either through the existing United Presbyterian Ministers' Friendly Society or otherwise.

4. RULES AND FORMS OF PROCEDURE.

What follows deals only with points where the procedure of the two Churches differed. A complete revision of all the Rules and Forms cannot be carried out till after the Union.

1. *Congregations.*

Rules of congregational procedure shall continue in the meantime in accordance with present practice.

Subject to Presbyterian order, congregations in entering into the Union carry with them their existing rights in the possession and control of their property, and in the administration of congregational affairs under their respective Constitutions.

2. *Sessions.*

Assessors.—In special circumstances the Presbytery may appoint other ministers and elders within its bounds to sit in a Session as assessors, with power to act as ordinary members in the cases to which their appointment refers.

Communion Rolls.—In the Free Church a copy of the Communion Roll, revised by the Session, and signed by the Moderator and Clerk, is sent to the Presbytery every year for attestation. In the United Presbyterian Church, the Communion Roll is revised annually by the Session, but no copy is sent to the Presbytery.

An annual attestation of the Communion Roll by the Presbytery is required by the Model Trust-deed of the Free Church. In the case of Congregations whose buildings are not under that Deed, the question of the annual attestation of the Roll by the Presbytery is left to the decision of the United Church.

Meetings of Session.—The Moderator is bound to convene the Session when required to do so by one-third of the elders.

Roll of Young Persons.—It is strongly recommended that every Session keep a Roll of the baptized young persons in the Congregation.

References from Session to Assembly.—The Rule of the Free Church that a Reference may be made by a Session to the General Assembly, in the event of the Assembly meeting before the next Meeting of Presbytery, is not to be retained meanwhile.

Sessions at Stations.—Act XIII. 1863, of the Free Church Assembly is adopted as the Rule of the United Church, on the understanding that that Act does not confer on Stations the right of electing their own Office-bearers

3. *Presbyteries.*

New Presbyteries.—When a new Presbytery is erected, the senior minister present, without requiring any special appointment, shall preside until the Meeting has been duly constituted, the Roll of Members made up, and a Moderator elected.

Pro re nata Meetings.—In calling a *pro re nata* Meeting of Presbytery it is required that due notice is given.

Reasons of Dissent.—Reasons of dissent are only recorded when they are given in at the time the dissent is taken; if given in later they are not entered in the Minutes.

Voting.—In the meantime the Free Church method of voting in Church Courts shall be adopted.

Petitions, Overtures, etc.—With regard to *Overtures* transmitted to the Supreme Court, they shall only be transmitted when the Inferior Court has adopted them as its own; and individual members of that Court,

who desire to introduce to the Supreme Court any proposal not adopted by the Inferior Court, shall do so by Petition or Memorial. Plan of Union.

As regards *Procedure in cases of Discipline* it is recommended that the Revised Rules of the United Presbyterian Church on this subject be approved of generally, but that, in the first instance, the Presbyteries of the United Church be allowed to proceed either under them, or under the existing Free Church Rules, as they shall see fit, provided that the right of parties to be tried under Libel, if they desire it, be always reserved.

It has been agreed to drop the United Presbyterian Church Rule that, if no action has been taken by a Church Court within one year from the time of any *fama* having been brought under its notice, it cannot afterwards be taken up.

The United Presbyterian Church has adopted a system of "*Advisers*," to give assistance to persons against whom any charge is brought. It is recommended that the United Church arrange for the employment of Advisers in the Presbyteries, Synods, and Assembly.

A minister or office-bearer charged with any offence is interdicted from the discharge of all official duties, as soon as a Presbytery or Session resolves to proceed with a formal inquiry.

As regards *Procedure in the Election and Calling of Ministers*—

The United Church recognise the power of Sessions to hold Congregational Meetings for the choice of a Minister, or for necessary steps towards that end, as soon as an Interim Moderator has been appointed.

As soon as convenient the proposed Financial arrangements shall be submitted to the Presbytery, and (so far as necessary) to the Committee of the Central Fund, for approval.

When these arrangements have been approved of, and when the Congregation has agreed to call a Minister, the Interim Moderator shall report this to the Presbytery, who shall appoint a meeting for the purpose of moderating in a Call, and shall dispose of it either then or at a subsequent meeting, on the understanding that the Presbytery may, if they think fit, arrange opportunities for further signatures being adhibited to the Call before disposing of it.

The practice of preparing and answering written "Reasons of Translation" in cases of Calls to settled Ministers shall be dropped.

In cases of *complaint or appeal*, the practice of holding all the Members of the Court, whose decision is complained or appealed against, to be out of Court when the case is taken up, shall be still retained in the United Church.

The Act of 1697, commonly called the *Barrier Act*, is adopted in the United Church, with the addition that Presbyteries are instructed, in dealing with overtures remitted under the *Barrier Act*, to give Sessions within their bounds an opportunity of reporting their opinions upon them, which shall be tabulated by the Presbytery Clerks, and transmitted to the Assembly.

There are several points on which the recommendations adopted *propose changes in previous legislation* which had been passed with consent of Presbyteries, viz. :—

(*a*) Alteration in Trials for Licence.
(*b*) Rules for admission of Ministers from other Churches.
(*c*) Distribution of Probationers.
(*d*) Interdict from official duties of a Minister or Office-bearer under any charge as soon as a formal inquiry has been begun.
(*e*) Power of Synods in cases of sanction and application for Colleagues.

None of these can be regarded as essential conditions of Union, and, while they have in the first instance been sent to Presbyteries for

APPENDIX I.
Plan of Union.

information or suggestions, no formal step has been taken regarding them, but after the completion of the Union they may be passed as *Interim Acts*, and at the same time sent down as overtures to Presbyteries under the Barrier Act.

4. *Synods.*

Synods shall deal with the following causes in which their decision shall be final except when otherwise specified as under:

1. General supervision of the interests of the Church within their bounds, and promotion of the life of the Church by Annual Conferences.
2. Supervision of Presbytery Records.
3. Arrangements for visitation of Presbyteries, by Deputies or otherwise, in promotion of the schemes of the Church, or in connection with inquiries into religion and morals. For the carrying out of this work, Synodical Committees might be appointed, to be in correspondence with the Standing Committees appointed by the General Assembly, and to cooperate with them in promoting the schemes of the Church.
4. Transmission to the General Assembly of overtures originating in the Synod itself.
5. Judging appeals and references from Presbyteries, under limitation of right of appeal to General Assembly, in cases (*a*) affecting the doctrine or constitution of the Church; (*b*) affecting personal character or Church standing; (*c*) proposing that a Congregation should cease to exist in connection with the Church, or that congregations should be united.
6. Any cause devolving upon Synods or specially remitted to them by Act of Assembly.
7. The sanctioning of New Congregations and arrangements for Colleagues and Successors; it being understood that, in those cases in which a grant from a Central Committee is required a deliverance of the Committee, whose funds are concerned, is laid on the table of the Synod. The right of appeal to the General Assembly is reserved in cases in which the Committee does not acquiesce in the Synod's judgment.
8. The appointment of Representatives to the Selection Committee, as provided in recommendation on that subject.

No legislative power is given to Synods, and their judicial and administrative decisions are subject to right of appeal in cases mentioned above (5, 7).

5. *The Assembly and its Committees.*

The General Assembly shall consist of an equal number of Ministers and Elders elected by Presbyteries.

Each Presbytery shall elect the number of Ministers equal to one-third of the sanctioned Congregations and Professorial Charges within its bounds, and the same number of Elders; having respect in the election of Elders to the interests of the several Sessions.

While Presbyteries are legally entitled freely to elect their representatives in the Assembly, the usual though not invariable practice in the Free Church is to elect Ministers and representatives of Sessions in rotation.

Mission Presbyteries shall have no representation in the Assembly; but in order to maintain the connection of Foreign Missionaries with the General Assembly, the Mission Councils (or Committees) shall have power to commission such of their members, ordained as Ministers or Elders or set apart for Missionary service under the Home Formula, as are to be at home on regular furlough during the sittings of the Assembly, to represent them in the Supreme Court, on one occasion during the course of their furlough.

Note.—1. It is understood that a Mission Council or Committee shall be appointed in each Mission field, where such Council or Committee does not already exist. The Council or Committee shall consist of all the European Missionaries, ordained and medical, in the field, along with any other friends interested in Mission work whose names have been submitted to the Foreign Missions Committee and approved of by them. Plan of Union.

2. A Medical Missionary is set apart for Missionary service by the Presbytery within which he resides, and this "setting apart" entitles him to discharge certain ministerial duties in the Mission field in special circumstances.

The Assembly shall give to the Ordained Members of the Mission Councils presbyterial powers so far as the Congregations under the charge of the existing Calcutta and Bombay Presbyteries are concerned, and the body thus constituted shall take the place of the existing Presbyteries.

In the event of Mission Presbyteries being formed at a future time, the position of the European congregations shall be reconsidered.

Continental Presbyteries shall retain the same privileges they at present possess in the Free Church.

The Assembly shall meet on the first Tuesday after the 17th of May.

While as a general rule the Assembly shall meet in the Assembly Hall, Evening Sederunts in connection with Missions, and such other matters as the Assembly may select, shall be held in the Synod Hall.

Standing Committees.

There shall be a Selection Committee for the nomination of Standing Committees, to consist of Representatives appointed by each Synod in the proportion of one Minister and one Elder for every hundred Congregations or fraction of a hundred, together with additional members appointed by the General Assembly.

All Presbyteries shall be entitled to be represented on at least one of the first nine Standing Committees. With a view to this, each Presbytery shall nominate, subject to the appointment of Assembly, one Minister and one Elder for every twenty Congregations or fraction of twenty.

The Selection Committee shall allocate the persons thus nominated among the Committees, and add others of their own selection according to the present practice.

The "Standing Committees" shall be twenty-two in number; on nine of these, having the administration of Funds and Schemes, Presbyteries shall be represented, viz.:—

1. Sustentation and Augmentation Fund.
2. Home Mission.
3. Church and Manse Building.
4. Highlands and Islands.
5. Foreign Missions.
6. Colonial.
7. Continental.
8. Jewish Mission.
9. Youth of the Church.

The others shall be in the first instance, as follows:—

10. Education Committee.
11. College Committee.
12. Aged and Infirm and Pre-Disruption Ministers' Funds.
13. Assembly Arrangements.
14. Finance.
15. Publications.
16. Distribution and Employment of Probationers.

APPENDIX I.

Plan of Union.

17. Equal Dividend Platform and Readjustment of Agencies.
18. Nomination of Standing Committees.
19. State of Religion and Morals (Church Life and Work).
20. Sabbath Observance.
21. Temperance (and Public Morals).
22. Praise.

The Home Mission Committee shall administer the Home Mission Scheme of the Free Church, and the Home Evangelisation Scheme of the United Presbyterian Church, together with the Church Extension work of the Church, except in so far as it relates to Grants for Church Buildings.

The Church and Manse Building Committee shall take up the work of the Joint Buildings Committee in the Free Church, and the administration of the United Presbyterian Church Extension Fund, Permanent Loan Fund, and Manse Fund.

The Sustentation and Augmentation Fund, Home Mission, and Foreign Mission Committees shall have a membership not exceeding one hundred each; the other six of the nine already enumerated, a membership not exceeding seventy-five; and the Committee on Women's Foreign Mission Work, a membership not exceeding fifty-one.

Two-thirds of the larger Committees shall be made up of representatives nominated by the Presbyteries, and one-third of members appointed by the Assembly on nomination of the Selection Committee.

No standing Committee (other than the first nine) shall consist of more than fifty members.

The Probationers' Committee shall consist of sixteen members, and the Clerk, who shall be appointed by the Committee, shall be a salaried official, resident in Edinburgh, but not a member of the Committee. He shall also take charge, under the supervision of the Committee, of occasional supply for the pulpits of ministers.

Other Committees whose functions correspond shall be amalgamated, any arrangement necessary as to adjustment of numbers or duration of service, being left to the consideration of the Committee thus formed.

Such Committees are as follows:—

Law.
Army Chaplains.
Systematic Giving.
Synod Reports on Presbyterial Visitations.
Romanism and Ritualism.
Church and State (Disestablishment and Disendowment).
Statistics.
Kerr Lectureship.
Beattie Trustees.
Chalmers' Lectureship.
Cunningham Lectureship.
} Under Special Trusts.

All members of Committees shall be entitled to charge travelling expenses.

College Committee.

1. The College Committee shall consist of forty-eight members, of whom twenty-four shall be ministers, and not more than six of these shall be Principals or Professors.

2. It shall take the general oversight of the training of students for the ministry and of the colleges; undertake the general administration of college property and finances; give advice in cases of difficulty; originate and prosecute before the Church Courts processes against any of the professors for heresy or immorality, and make necessary inquiries for this purpose; originate and prepare, for the decision of the General

Assembly, proposals for the retirement of professors disabled by age or infirmity, and for fixing the retiring allowances they are to receive; and entertain and deal with any appeal which may be taken from a judgment of the Senatus of any of the colleges, and any complaints on the part of students which may be made to it in writing. It shall also fix the time for the opening of the College session, superintend the arrangements for the entrance and exit examinations, and for the examinations for scholarships under the control of the Church, and shall adjudicate on the results. Plan of Union.

3. It shall appoint, annually, three Sub-Committees, each consisting of nine members, other than professors. One of the colleges shall be assigned to the special charge of each of these Sub-Committees, who shall visit it when desirable and report on its general state to the Committee at the close of each Session.

4. It shall arrange for a special visitation of the colleges once in four years. All communications from students intended to be brought before the Quadrennial Visitation must be sent beforehand to the College Committee. The result of this visitation shall be fully reported to the General Assembly.

5. Examiners shall be appointed by the College Committee subject to the approval of the General Assembly. These examiners shall prepare examination papers and value the exercises of the students in the various examinations for which arrangements have to be made by the College Committee. They shall be appointed for three years, and they shall not be eligible for reappointment until a year after the expiry of their term.

6. Local Boards shall be appointed in connection with each of the three colleges at Edinburgh, Glasgow, and Aberdeen for the management of their financial affairs, in terms of Acts IX. of Free Assembly 1869, and VI. of Free Church Assembly 1871.

On Administration of Missions.

1. In the case of the Continental, Colonial, and Jewish Missions, the work of the two Churches shall be amalgamated, the property and the agents of each Church becoming the property and agents of the United Church, all other questions being left for consideration when the Union is accomplished.

2. There shall be in the United Church one administrative body ("Foreign Mission Committee," or "Foreign Mission Board") to manage the entire Foreign Mission Work in which the Church is engaged, with the powers at present intrusted by the Free Church to its Foreign Missions Committee, and by the United Presbyterian Church to its Foreign Mission Board.

3. The Missions of both Churches shall form the Missions of the United Church, due regard being had to their past history and their present condition, as well as to the rights and privileges that pertain to the various agents, both European and Native, who are engaged in the work; and the Mission properties in connection with the various Mission fields shall become the property of the United Church.

4. The Supreme Court of the United Church shall strongly recommend that contributions for Foreign Missions be taken up by collectors at stated times, and that it be left to each congregation to determine whether this should be done monthly or quarterly.

5. Steps shall be taken to have in each Mission field a fully organised native Church which shall stand in a federal relation to the Home Church.

6. Each Mission Church shall be governed by a Presbytery (and where necessary a Synod) in which the European ordained Missionaries shall have seats, with the view of giving all necessary advice and assist-

APPENDIX I.
Plan of Union.

ance, but they shall leave the conduct of the business as far as practicable to the native members.

Women's Foreign Mission Work (Zenana Mission).

1. In the United Free Church mission work done by women missionaries in the Foreign field shall be superintended at Home by a Committee called "The Women's Foreign Mission Committee," representing the Committee of the "Woman's Foreign Missionary Society" of the Free Church, and of the "Zenana Mission" of the United Presbyterian Church, and consisting of Women elected as at present in both Churches, together with representatives from the Foreign Mission Committee (or Board).
2. The Minutes of this Committee shall be sent to the Foreign Mission Committee (or Board) for confirmation, and when these minutes are under consideration, a certain number of members of the Women's Committee, selected by them to represent them, shall be associated with the Foreign Mission Committee as an integral part of it.
3. The Minutes of the Foreign Mission Committee or Board shall be sent to the members of the Women's Committee for their information.
4. The Women's Committee shall elect its own office-bearers and officials.

The Women's Committee of both Churches have accepted these principles, and have formulated them into the following scheme:—

1. In the United Church the work carried on for the evangelisation of women in the Foreign Mission fields of the Church shall be known as the Women's Foreign Mission; and the Committee in charge of it be called the Women's Foreign Mission Committee.
2. This Committee shall consist of women in full communion with the Church elected by the Annual Conference (as is already the case in both Churches), together with some representatives of the Foreign Mission Committee or Board as provided in No. 4 below; and it shall have its own Secretary, who shall be a member of the Committee *ex officio*.
3. The number of women on the Committee shall be sufficient to give a due representation of different localities, and to overtake the work required. (*N.B.*—For these purposes the Conference Committee of the United Presbyterian Church is too small. The Free Church Women's Committee has forty members who attend well, though at present residing in seventeen different Presbyteries, and more than half of whom have special duties connected with the work of the Committee.)
4. Some representatives of the Foreign Mission Committee (say ten)—one-half chosen by the Foreign Mission Committee, and the other half by the Women's Committee—shall be associated with the women as an integral part of the Women's Foreign Mission Committee.
5. All the minutes of the Women's Committee shall be sent to the Foreign Mission Committee for confirmation; and when these minutes are under consideration, a certain number of the women (say ten)—being representative members of the Women's Committee—shall be associated with the Foreign Mission Committee as an integral part of it; also the printed minutes of the Foreign Mission Committee shall be sent to the Members of the Women's Foreign Mission Committee.

6. Subject to the provisions stated in No. 5, the Women's Foreign Mission Committee shall manage the business, select and correspond with the missionaries, and administer the Funds connected with its own department; it shall choose its President and Vice-Presidents from among its own members; and shall annually submit a Report of its proceedings to the General Assembly. Plan of Union.
7. The Missionaries of the Women's Foreign Mission shall be under the supervision and control of the Local Mission Council, or Committee, having a voice on the Council when their own work is under review. (*N.B.*—The Rule of the United Presbyterian Church secures this in the best way.)

5. Office Arrangements, Etc.

(1) Treasurers and Secretaries.

With regard to the Union of the Treasurers' Offices in the United Church, the Committee recommend that, as the matters cared for in this department naturally divide themselves into Income and Expenditure, Income be placed under the special care of one official, the General Treasurer, and Expenditure under that of another, the Accountant.

In the matter of Income: The volume of business in the Free Church is greater than in the United Presbyterian Church. This arises not only from the larger number of congregations and of schemes, but also from the monthly ingathering of the Sustentation Fund. The book-keeping in the Free Church has been carefully revised, in the light of experience, to meet the necessities of the very numerous and varied transactions, and taking all circumstances into consideration, it seems reasonable to suggest that this system of book-keeping should be adopted in the United Church, and that this Department should be intrusted to Mr. Ross as General Treasurer. The whole details of the income of the Church, with the preparation of the accounts thereof, would be under the General Treasurer. In this connection the receiving and tabulating of Congregational Financial Schedules would, as at present, form part of the work of this Department.

In the matter of Expenditure, which will be under the immediate care of the Accountant, the system proposed will be a combination of those at present in use in the two Churches, and it is suggested that this Department be intrusted to Mr. Slight. In the Free Church the payments to Ministers, Missionaries, and others from the Central Offices of the Church are made on the authority of drafts or warrants issued by the several Committees who have the control of their respective funds, which drafts are usually passed by the payees through a bank, and in due time are presented at the Church Offices for payment by the General Treasurer. In the United Presbyterian Church such drafts are issued by the Synod Treasurer at the desire of the several Committees. It is proposed that in future the Secretaries of the several Committees shall furnish from time to time to the Accountant's Department authenticated lists of all drafts which they desire to send out; these drafts shall be prepared in that department, and shall be signed by the Accountant and also on behalf of the Committee which has authorised them, and shall be issued to the payees from the Accountant's Department unless any Committee shall desire otherwise.

The Accounts of both Churches shall be closed at 31st December 1900, in the event of the Union being completed by that time, and a new united account be started from 1st January 1901, with the exception of the Sustentation Fund Account which shall close as usual at 15th May.

APPENDIX I.

Plan of Union.

Both the premises in Bank Street and those in Castle Terrace shall be made use of as far as possible, leaving details for after adjustment.

The office and business staff in Glasgow shall be meanwhile maintained as an office and business staff of the United Church, under the charge of one of the Secretaries or representative officials of the Church; and meetings of Committees and of Sub-Committees, as may be arranged, may be held there.

The business of the Continental, Colonial, and Jewish Committees shall continue to be managed as in the Free Church at present.

Meanwhile the present Secretaries of the Foreign Mission Committee shall be associated as Joint Secretaries, their work being adjusted by the Committee of the United Church.

Meanwhile the Secretaries at present concerned in the administration of the Home Work, shall be associated, as may be arranged, as Joint Secretaries in connection with the Committees charged with the Home Work of the United Church, namely: (1) Sustentation and Augmentation Fund Committee; (2) Home Mission Committee; (3) Church and Manse Building Committee; (4) Highlands and Islands Committee; and (5) Aged and Infirm Ministers' Fund.

All Secretaries, whose appointment is made by the General Assembly, shall be *ex officio* members of the Committees whose business they conduct.

(2) SPECIAL COLLECTIONS.

The list of church-door collections in the United Church shall in the first instance stand as follows:—

January, ...	CONTINENT.
February, ...	COLLEGE FUND.
March, ...	HOME MISSION AND CHURCH EXTENSION.
May (1st Sabbath), ...	YOUTH.*
June, ...	COLONIES.
September, ...	BUILDING FUNDS.

Alternating with Home Evangelisation.

October (2nd Sabbath), . . .	"SYNOD FUND."

(*In congregations which are in the habit of contributing by Collection.*)

October (3rd Sabbath), . . .	HIGHLANDS.
November, ...	AGED AND INFIRM MINISTERS' FUND.
December (2nd Sabbath), . . .	AUGMENTATION FUND.

(*In congregations which are in the habit of contributing by Collection.*)

December (3rd Sabbath), . . .	JEWS.

They further recommend that, unless where otherwise specified, these Collections be made on the second or third Sabbath of the month, in accordance with the past practice of the several congregations.

(3) ASSEMBLY EXPENSES, ETC.

Different systems prevail in the two Churches for raising the funds for Assembly and Synod expenses. The following are the principal differences:—

Receipts.

The Free Church sell tickets to office-bearers not members, students, and the public, which yield a revenue of between £300 and £400. No

* This name has been given to this collection on the understanding that it shall be applicable to the various purposes which in either Church have been wont to be provided for in connection with Youth, Education, and Sabbath Schools.

tickets are sold by the Synod. The Free Church levy a general charge of £900 on Committees having funds proportionate to the annual amount of their collection. The Committees of the United Presbyterian Church do not make any payment towards the Synod expenses. Plan of Union.

Assembly expenses are assessed on congregations as follows:—

Congregations contributing	less than £60,	£0	8	0
Do.	from £60 to £150,	0	11	0
Do.	do. £150 to £300,	1	2	6
Do.	do. £300 to £500,	1	5	0
Do.	above £500,	1	10	0

The income derived from this source by the Assembly is £680 or thereby.

The United Presbyterian Church are entitled to assess each Congregation at the rate of 2½ per cent. on the sum paid by it to the Minister for Stipend and expenses, with an abatement of £70 when the sum so paid is under £400, no congregation paying less than 10s. In recent years, however, the Synod have only assessed at the rate of £2 per cent. This yields a sum of £1950 or thereby.

Payments.

In both Churches the salaries of the Assembly and Synod Clerks are paid out of the respective funds.

In the Free Church the sum of £200 is paid to the Moderator for his expenses, but no sum is paid to the Moderator of the United Presbyterian Synod.

In both Churches the expenses of Deputations and of Committees, having no funds, are paid out of the Assembly and Synod funds.

There are certain apparently anomalous payments made out of the funds of both Churches. The Free Church pays the salary of the Secretary of the Board of Examiners and the expenses of the Board of Examiners, amounting to £121, 17s. 6d. The United Presbyterian Church pays the salary of the College Librarian, amounting to £200. and in certain special cases grants to retired Ministers.

After full consideration, the Committee recommend that while uniformity in system must be secured, the present practice of levying expenses in both Churches should be continued for a year. After a year's experience it will be seen what saving is effected in the United Church, and the whole subject can then be reconsidered, having special regard to the desirability of fixing a uniform rate of assessing the Congregations in the United Church.

Meanwhile the principal Clerks of the Assembly and the Synod shall be conjoined in the Clerkship of the General Assembly; the Depute Clerk shall be continued as at present in the Free Church; and the Synod of the United Presbyterian Church shall be recommended to nominate a Law Agent who shall be associated in the United Church with the present Law Agent of the Free Church.

(4) Publications.

(1) The *Free Church Monthly* and *The United Presbyterian Missionary Record* shall be amalgamated, the new Magazine thus formed being regarded as the official organ of the Church. Similarly the *Children's Missionary Record* and the *Children's Missionary Magazine* shall be merged in a New Magazine for the United Church.

(2) These Magazines shall be the property of the Church, and be conducted by Editors appointed and paid by the Church.

(3) These arrangements shall be carried out at as early a period as may be consistent with due regard to existing obligations.

(4) That the appointment of Editor for the Official Organ of the Church be for a period of five years, but terminable at any time during said period by three months' notice on either side, such notice to be received by the *Publications'* Committee of the Church. Any notice on the part of the Church should be given by said Committee at the direction of the General Assembly or its Committee. The *Publications'* Committee shall have power, in the event of the death or resignation of the editor, or in any urgent circumstances, to make an interim appointment.

(5) That a single Editor be appointed by the Assembly of 1902, to enter on his duties the following December; but that meantime the present Editors of the *Free Church Monthly* and *United Presbyterian Missionary Record* be requested to conduct it for two years, on a plan to be agreed upon between them and acceptable to the Committee.

(6) That the name of the Official Organ of the Church be *The Missionary Record of the United Free Church of Scotland*, it being made clear by sub-title or otherwise that, as in the separate publications which it supersedes, its end is to foster the religious life of the congregations and interest them in all church and missionary work.

(7) That the Monthly for children be called *The Children's Missionary Magazine*, and be conducted by an Editor who shall also be appointed for a period of five years.

(8) The Committee report the following Resolution of a Joint Committee of the Woman's Mission with regard to their Magazine:—

The Committee have resolved to issue it as a Monthly from 1st January next, and to give a place in it to the work of the Woman's Jewish Mission. They request the *Publications'* Committee to allow the publication office to be the central office of issue of the Magazine, the Woman's Committee bearing a share of the expense.

(9) The Committee recommend that the present Manager of the *Publications'* Office of the United Presbyterian Church be retained at his present salary, and that further arrangements be remitted to the *Publications'* Committee of the United Church to report to the Assembly of 1901.

V. DECLARATORY ACT ANENT ELECTION OF MEMBERS OF ASSEMBLY.

(*Act X., Assembly* 1900.)

Declaratory Act anent Election of Members of Assembly.

The General Assembly enact and declare that the following are the regulations with regard to the Election by Presbyteries of their Representatives in the General Assembly:—

All Presbyteries having any number of Sanctioned Congregations and Professorial Charges exactly divisible by three shall return exactly one-third of the number of their ministers, and the same number of elders to represent them in the Assembly.

Presbyteries having four charges shall for two successive years send one minister and one elder to the Assembly, and in the third year two ministers and two elders; Presbyteries having five charges shall for two successive years send two ministers and two elders to the Assembly, and in the third year one minister and one elder; and all Presbyteries having any number of charges which is not a multiple of three shall send members to represent the remainders on the same principle, so that in the course of three years a number of returns, both of ministers and elders, shall have been made from each Presbytery equal to the whole number of charges which that Presbytery contains. The succes-

sion of three years shall be held to commence with next General Assembly. Declaratory Act anent Election of Members of Assembly.

When a charge has been sanctioned for the first time, it shall not be counted as increasing the number of charges with a view to representation until a minister has been inducted; but charges which have become vacant in the ordinary way count as ministers.

Presbyteries shall choose their representatives at least forty days before the meeting of the Assembly, and within a month preceding the first of the said forty days (except those lying in the Northern or Western Isles, who may elect their representatives at any time before the first day of May, due notice of the intention to elect having been given fifteen days preceding); and every Presbytery (with the foregoing exceptions) shall appoint the day of election by an order of the Presbytery, at an ordinary meeting, to be entered on their minutes at least ten free days before such election. On the day of election the Presbytery shall make their election between the hours of eleven o'clock in the forenoon and eight o'clock in the evening.

Presbyteries may appoint representatives in place of any who have resigned, or are otherwise disqualified, at any meeting previous to the meeting of the General Assembly, but any election after the General Assembly has convened is held invalid.

The clause in the certificate of each representative to the General Assembly "that he has signed the *Formula*" shall, in the case of ministers and elders ordained previous to the Union, be understood to mean that he has assented to the formula in use in that Church by which he was ordained.

VI. Acts anent Representation of Mission Councils.

1. (*Act II., Assembly* 1901.)

The assembly appoint the following as the Act anent Representation in the Assembly of Mission Councils:— Representation of Mission Councils in the Assembly.

The Assembly enact and ordain—

That a Mission Council shall be appointed in each Mission field where such Council or Committee does not already exist.

That a Mission Council shall consist of:—

(1) All the Missionaries from the Home Church, in the field, ordained and medical.

(2) The Minister and one Representative Elder from each European congregation within the bounds.

(3) Agents and friends of the Missions in the field nominated by the Mission Council and approved by the Foreign Mission Committee.

That to the Members of Council in each Mission Field, ordained under the Home formula, be given full Presbyterial powers for the following purposes—(*a*) Oversight of all the agents of the Mission sent by the Home Church to the Mission Field; (*b*) Election of representatives to the General Assembly of the United Free Church; (*c*) Power to overture the General Assembly; (*d*) that the Ministers and Kirk-Sessions of the European congregations shall be subject to them as their superior judicatories, and the ministers and elders of said Churches shall be eligible for election as representatives to the

APPENDIX I.

Representation of Mission Councils in the Assembly.

General Assembly; (*e*) to perform such other Presbyterial functions as they may be from time to time instructed by the General Assembly to discharge.

That any appeal from the Mission Councils shall be to the Foreign Mission Committee in the first instance, with right to appeal from its decision to the General Assembly; except in the case of libel against any of the ordained members of the Mission Council, when the appeal shall be taken direct from the judgment of the ordained members of the Mission Council to the General Assembly.

That the foresaid ordained Members of the Mission Council shall have power to elect as their representatives to the General Assembly annually such of their number as are at home on ordinary furlough, whether ministers or elders, so that each of them shall be elected for one Assembly during the period of each of his furloughs. The number of elders to be elected each year shall be the same as that of ministers. Other ordained Missionaries at home on furlough may sit in the Assembly as Corresponding Members, without right of voting.

That in other respects the constitution and powers of local presbyteries be as at present, the case of each Mission field being considered in the future as circumstances may require.

Former legislation regulating the Representation in the Assembly of Foreign Presbyteries is hereby repealed.

2. (*Act V., Assembly* 1902.)

Representation of Elders from Mission Councils.

As regards the representation of Mission Councils in the General Assembly, the General Assembly resolve as follows:—

1. Mission Councils entitled under Act II. 1901 to elect representatives to the General Assembly shall make their election annually in time for the Minute recording their appointment to reach the Secretary of the Foreign Missions Committee not later than 1st May.

2. The Minute recording the appointment of Representative Ministers and Elders must contain the Sederunt of Meeting, and bear that the Meeting was constituted, as also that the notice calling the Meeting contained due intimation of the Election; and must be signed by the Chairman and Secretary.

3. On receipt of such Extract Minute duly certified, the Secretary of the Foreign Missions Committee shall forward the same to the Clerks of Assembly, with an Extract Minute of the Foreign Missions Committee, certifying that the Ministers as returned as elected Representatives are duly qualified in terms of Act II. 1901.

4. That Elders whether in European Congregations abroad, or congregations at home, shall be duly certified by the Session of which they are members as *bonâ-fide* acting Elders, and those Elders, ordained under the Home formula, who are acting agents appointed by the Foreign Missions Committee, shall

be similarly certified by that Committee. It shall be the duty of the Secretaries of the Mission Councils to inform all Elders so elected from the Foreign field of the necessity of such certificate; and the duty of the Secretary of the Foreign Missions Committee to inform all Elders in the Church at home of their election, that they may forward such Certificates to the Clerks of Assembly. Representation of Elders from Mission Councils.

3. (*Act II., Assembly* 1903.)

In accordance with the recommendation of the Assembly Arrangements Committee the Assembly hereby declare that Act II. 1901, shall be applicable, *mutatis mutandis*, to the Jewish Mission Committee and its Mission Councils. Jewish Mission Councils.

VII. Act anent Assembly Expenses.

(*Act IV., Assembly* 1902.)

The Assembly resolve as follows:—

1. That there shall be a uniform practice of assessment throughout the whole Church; Assembly Expenses.

2. That a portion of the expenses shall be levied on Committees having funds, the Sustentation Fund bearing one-third of the sum so levied, and the other funds being charged in proportion to the contributions received by them from congregations, as shown in the Public Accounts of the year immediately preceding. Further, that the sum levied on Committees shall be fixed at the discretion of the Assembly Arrangements Committee as necessity requires; the normal sum being £900.

3. That the rate of assessment shall be increased in proportion to the income of the congregations; and

4. That Assembly expenses shall be assessed on congregations on the basis of sums entered in the column "Ordinary Congregational Fund" in the Public Accounts of the year immediately preceding, and according to the following scale:—

Under £50,							£0	5	0
£50 and under £100,							0	10	0
100	„	200,					1	0	0
200	„	250,					1	10	0
250	„	300,					2	0	0
300	„	400,					3	0	0
400	„	500,					4	0	0
500	„	600,					5	0	0
600	„	700,					6	0	0
700	„	800,					7	0	0
800	„	900,					8	0	0
900	„	1000,					9	0	0
1000 and over,							10	0	0

APPENDIX I.

VIII. ACT ANENT SCHEDULE OF STATISTICS.

(*Act III., Assembly* 1902.)

Schedule of Statistics.

The Assembly enact that Schedules of Statistics of Persons and Agencies, in which Congregations are invited to give information as to their Membership, Organisation, Sabbath-schools, Guilds, etc., shall be under the care of the Committee on Statistics, who shall judge of the questions to be asked, and all Committees requiring information from Congregations shall submit the proposed questions to the Committee on Statistics, whose decision as to their insertion or otherwise shall be final.

IX. ACT ANENT COLLEAGUES AND SUCCESSORS.

(*Act IX., Assembly* 1902.)

Colleagues and Successors.

The Assembly enact *ad interim* that :—

As regards arrangements for Colleagues and Successors, the regulations existing previous to the union of the two Churches shall be reverted to, and in terms thereof the Assembly enact as an *interim* arrangement that Colleagues in former Free Churches shall be henceforth sanctioned under the former regulations as to the case being brought before the Commission in March, and that those in former United Presbyterian Churches shall be sanctioned by the Presbytery. Sanction of new Congregations shall proceed under the regulations laid down in the plans of Union, as at present; but Synods are specially instructed to report to the General Assembly the cases which they sanction, and the pecuniary arrangements in each case.

X. ACT ANENT TIME OF ELECTION OF ELDERS TO PRESBYTERIES AND SYNODS.

(*Act IV., Assembly* 1901.)

Time of Election of Representative Elders.

The Assembly adopt the following (with the addition of the Acts referred to printed at length) as the Act anent Time of Election of Representative Elders to Presbyteries and Synods :—

Whereas great diversity exists as regards the time at which Sessions elect their representatives to Presbyteries and Synods, and it is desirable that uniformity in this matter should be observed, the Assembly enact that the time at which representative Elders shall be elected shall be after the close of the meeting of the General Assembly each year; and that Act IV. 1893, and Act VIII. 1898, of the Free Church, be in other respects observed in the election of Representative Elders.

This Act shall come into force at the close of the Assembly 1902, when all commissions then current shall lapse.

Act IV. 1893, and Act VIII. 1898, are as follows:—

Edinburgh, 29*th May* 1893. *Sess.* 17.

THE General Assembly, with consent of a majority of Presbyteries, enact and ordain— Time of Election of Representative Elders.

That the Commissions of Elders to Presbyteries and Synods shall run for twelve months (instead of six as at present), from the close of the first Synod in each year, and that the Representative Elders shall continue to act as members of Presbytery and Synod until their successors are elected, and the election duly notified to the Clerk of Presbytery.

That if a Kirk-Session fails to elect a Representative Elder, and duly to notify the election to the Presbytery Clerk prior to or at the first ordinary meeting of Presbytery after the meeting of Synod at which commissions should lapse, the Clerk of Presbytery shall thereupon require such Kirk-Session forthwith to make the necessary election. Further, that Kirk-Sessions may, if they see fit, elect as their Representative Elder any Free Church Elder resident within the bounds, who is not otherwise a member of any Presbytery.

That in those Presbyteries in which Professors are members in virtue of their office, such Presbyteries shall, at the first ordinary meeting after the first Synod in each year, elect an Elder not otherwise a member of Presbytery, and not a Minister, from any Kirk-Session within the bounds for each Professor, and the commissions of such Elders shall be in all respects similar to those of other Representative Elders.

Edinburgh, 28*th May*, 1898. *Sess.* 17.

THE Assembly adopt the following Declaratory Act:—

Whereas doubts have arisen as to the effect on previous legislation of Act IV. of Assembly 1893, anent Representative Elders in Presbyteries and Synods, the General Assembly, for the removal of such doubts, declares as follows:—

1. That Kirk-Sessions, after the close of the spring meeting of Synod in each year, are required to elect an Elder to represent them in the Presbytery and Synod for the year then begun to run; and that this election must be made within two months from the close of the said meeting of Synod, beyond which time the previous representative cannot continue to sit.

2. That, in case of the death, demission, or disqualification of their Representative Elder, a Kirk-Session may elect another to supply his place within a month thereafter.

3. That it is incumbent on Presbytery Clerks to take care, so far as possible, that Kirk-Sessions within the bounds are kept informed of their duty and privilege in these respects, and of the time when the duty ought to be discharged.

XI. ACT ANENT REPRESENTATIVE ELDERS IN PRESBYTERIES AND SYNODS.

(*Act I., Assembly* 1903.)

Representation of Elders in Presbyteries and Synods.

The General Assembly, with consent of a majority of Presbyteries, hereby enact and ordain that the Session of each Congregation having 400 or more Communicants shall annually elect two Elders of their own number to represent them in the Presbytery and Synod of the bounds.

XII. ACT ANENT COLLECTING BOOKS.

(*Act V., Assembly* 1903.)

Collecting Books.

1. No one shall be recognised as entitled to collect outside the congregation with which he is connected for Church, Manse, Hall, Debt, or other local object, unless he has the written authority of the Presbytery of the bounds, and presents a Collecting Book supplied by the Presbytery Clerk. The whole details of the case shall, in the first instance, be submitted to the Presbytery of the bounds for its examination, and the deliverance of the Presbytery approving shall be embodied in the Circular appealing for subscriptions, and prefixed to the Collecting Book used.

2. All Contributions received personally or in answer to letters or circulars are to be entered in the Collecting Book. Letters or circulars applying for contributions ought to refer to the Book by its authority and date, and undertake that all sums received shall be duly entered in it.

3. The Collecting Book (along with a written statement of receipts and disbursements, signed by the Moderator and Treasurer of the Congregation) shall be returned to the Presbytery Clerk within twelve months from the date of issue, and after due examination, an abstract of said statement shall be engrossed in the Presbytery Minutes.

4 If the purpose for which Contributions are to be asked from the Church generally be the erection of new Church or Manse, or alterations or repairs on Church or Manse, the Presbytery shall not issue a deliverance authorising an appeal for subscriptions until it has received intimation from the Church and Manse Building Committee that it has approved of the Plans and Estimates and of the amount raised locally, and has granted leave to proceed. The deliverance of the Presbytery shall state that the Church and Manse Building Committee has approved. Further, the Presbytery shall report to the Church and Manse Building Committee immediately after expiry of one year after authorising the issue of the appeal, the total sum raised, with certification that the account of receipts and disbursements has been audited, and the amount received duly applied to the purpose for which it was asked.

5. A second or subsequent Collecting Book shall be obtained and shall be dealt with as in the case of a first Book. Collecting Books.

6. In the case of those collecting for any special scheme, Home or Foreign, the above Regulations shall be enforced, with the one difference, that the Assembly's Committee, under whose oversight the Scheme properly falls, shall be required to take the same responsibility as, in regard to local matters, is assigned to Presbyteries and to the Church and Manse Building Committee.

XIII. Act anent Procedure in Cases of Insanity.

(*Act I., Assembly* 1904.)

The General Assembly, with consent of a majority of Presbyteries, enact and ordain that— Procedure in Cases of Insanity.

1. When a Presbytery is satisfied by evidence laid before it, that the minister of any Congregation within its bounds is unable, through mental illness, to discharge his ministerial duties, the Presbytery shall, as of its own authority, appoint an *interim* Moderator of Session. Sufficient evidence to warrant the Presbytery taking such action shall be the independent certificates of two fully qualified medical men upon soul and conscience.

2. When it appears that such mental incapacity for duty may be regarded as only temporary, the Presbytery shall grant to the minister so incapacitated leave of absence for such time as it may judge expedient, and instruct the *interim* Moderator to take all needful steps for the supply of ordinances and oversight of the Congregation, along with the Kirk-Session and Deacons' Court or Committee of Management.

3. When it appears that no improvement is to be expected, or, if after a year's leave of absence there is no prospect of early recovery, the Presbytery shall be responsible for seeing that the proper steps are taken, on behalf of the Congregation, to obtain sanction for the ordaining of a colleague and successor; or it shall, if deemed more expedient, refer the matter to the General Assembly; and the General Assembly, on receiving application for leave to call a colleague and successor, or on such reference from the Presbytery may grant leave to call a colleague, or may dissolve the pastoral tie, or do otherwise in the circumstances as it shall deem expedient.

4. In case of the temporary appointment of an assistant during the absence of a minister incapacitated by mental illness, the Presbytery, where the expense incurred is not arranged by the local parties, shall have power to fix the amount to be paid out of the minister's salary. When the calling of a colleague and successor is sanctioned, the provision for each colleague shall be determined as in all other cases of colleagueships. When the pastoral tie is dissolved, the General Assembly shall appoint that suitable provision be made for the minister loosed

APPENDIX I.

Procedure in Cases of Insanity.

from his charge. The relatives or legal representatives of a minister so incapacitated shall be always entitled to be heard, before the Committees interested, before any financial arrangement is approved.

5. The treasurer of the Congregation, and the treasurers of any funds of the United Free Church, shall obtemper the orders of the Presbytery in the case of temporary financial arrangements (until the same are recalled, or altered, by a superior court), and shall act upon the directions of the court sanctioning the calling of a colleague, and fixing the emoluments of each colleague. A duly certified minute of such court shall be sufficient warrant to pay the amounts so appointed, and no treasurer of Congregational or Church funds so doing shall have any further liability to the minister so incapacitated, or to his representatives.

6. In all claims for grants from the Aged and Infirm Ministers' Fund, or other Funds of the Church, and in all references of such cases to the General Assembly, as well as in any Petition for leave to call a colleague, or for aid to employ an unordained assistant, all sources of ministerial income must be fully stated.

XIV. Act anent Ministers and Licentiates returning from the Colonies.

(*Act II., Assembly* 1904.)

The General Assembly, with consent of a majority of Presbyteries, enact and ordain that a Licentiate or Ordained minister of this Church who has served in the Presbyterian Church of South Africa, or in the Presbyterian Church of any of the Colonies, and returns with full and satisfactory credentials from the Assembly of the Church with which he has been connected, may be received by the Presbytery by which he was licensed or ordained, as a minister of this Church, and shall be eligible for a call without application to the Supreme Court.

XV. Act anent Retiring Allowances in the Offices of the Church.

(*Act V., Assembly* 1904.)

The Assembly remit to the Finance Committee all questions relating to the retirement of clerks employed in the Offices of the Church, and to the pensions or allowances to be awarded them, under the following regulations:—

1. Where retirement is rendered necessary by age or infirmity (of which necessity the Committee shall alone judge), the person being not less than sixty years of age, and having been in the service of the Church for at least twenty-five years, his conduct having been uniformly satisfactory, a pension may be granted

to him, to continue during the pleasure of the Church; it being contemplated, however, that in ordinary circumstances, and where the incapacity for work is permanent, the pension shall be continued during life.

2. The pension shall bear a proportion to the average yearly salary of the person retiring during the three years immediately prior to the date of retirement, and shall be at the rate of one-sixtieth of such average yearly salary for each complete year of service, but shall not in any case exceed two-thirds of such salary.

3. If any case shall arise of retirement from infirmity after a shorter service than twenty-five years, or before the age of sixty, the Committee is empowered to make such temporary provision for the support of the person concerned as circumstances may seem to require.

Further, in the case of the General Treasurer, Accountant, and the salaried Secretaries of Committees, the Assembly empower the Committee to mature each case for the consideration of the Assembly, and to present a Report upon it without any previous special remit, under the following general regulations, viz.:—That on retirement, by reason of age or infirmity, after not less than ten years' service, and after sixty years of age, the allowance shall be fixed at the rate of one-third of the average yearly salary for three years prior to the date of retirement, with an addition of one-sixtieth for every additional year's service beyond ten, until after thirty years' service the rate becomes two-thirds, which shall be the maximum amount, unless under peculiar circumstances to be specially dealt with: in other respects, the regulations adopted for Clerks to be held applicable to these cases also.

APPENDIX II.

STANDING ORDERS AND COMMITTEES OF THE GENERAL ASSEMBLY.

I. STANDING ORDERS.

It is ordered—

I. AS TO REPRESENTATION OF PRESBYTERIES.

Standing Orders.

1. That all Commissions, transmitted to the Clerks of Assembly, shall be revised by them, in so far as regards the regularity of said Commissions in point of form, and that the Clerks shall prepare and submit a Report on the subject to the Committee appointed by the Assembly for the revising of Commissions.

2. That the Clerks of the Assembly shall furnish all Presbytery Clerks with printed copies of the form of Commission to Representatives hitherto in use, and also of the *bonâ fide* Certificates to be used by Kirk-Sessions, according to Acts VIII. Assembly 1853, and IX. Assembly 1863, for certifying elders who are chosen to be Commissioners to the General Assembly.

3. That there shall be attached to Commissions a statement certified by the Presbytery Clerk, of the number of Charges in each Presbytery at the date of the Commission, and of any changes that have taken place during the previous year.

4. That the Assembly Arrangements Committee shall meet in the month of February annually, for the purpose of considering and ascertaining the effect as regards representation of any changes in Presbyteries which may have occurred in the course of the previous year, by the sanctioning or the reduction of charges by the preceding General Assembly or its Commission, or by any other cause, and shall immediately thereafter intimate to the Presbyteries concerned what will be their representation in the ensuing General Assembly.

5. That the decision of the Assembly Arrangements Committee, so intimated to Presbyteries, shall be subject to review by the General Assembly, if appealed against or dissented from.

6. Should any question arise between the month of February and the meeting of Assembly, not provided for by these Orders, the Assembly Arrangements Committee shall meet for the consideration and disposal of such questions.

7. That the Clerks of Assembly shall, at the commencement of each triennial period prepare a table of the representation of all Presbyteries of the Church, and shall, on or before the 1st day of March, intimate to the Clerk of each Presbytery what will be the representation of his Presbytery in the next three

Assemblies, and shall give in the said table to the Commission in March. Standing Orders.

8. In addition to the ordinary Representatives of Presbyteries in the Foreign or Jewish Mission-fields, all ordained Missionaries, being Ministers or Elders, who are home or furlough, shall be members of Assembly, but without power to vote, provided such Missionaries shall present to the Clerks of Assembly, seven days before the Meeting of Assembly, certificates by the Committee under which they act, to the effect that they are *bonâ fide* acting Missionaries on furlough.

II. AS TO THE TRANSMISSION TO THE CLERKS OF ASSEMBLY OF COMMISSIONS, OVERTURES, RETURNS TO OVERTURES, AND PETITIONS TO THE COMMITTEE ON BILLS.

1. That the names and full postal addresses of the Representatives of Presbyteries shall be transmitted by Presbytery Clerks to the Clerks of Assembly not later than the first day of May in each year, so far as they have been elected by that time.

2. That all Commissions shall be sent up by the Clerks of their respective Presbyteries, so as to be in the hands of the Clerks of the General Assembly at least one week before the Assembly meets.

3. That all the Overtures from Presbyteries and Synods, passed by the first day of May, be sent to the Clerks of Assembly, not later than that date in each year, in order that they may be duly arranged and printed, at the expense of the Assembly for the use of the Members, and that said Overtures be in the form of certified extracts from the Minutes of the Court by which the Overture is transmitted.

4. That Presbyteries shall transmit to the Clerks of Assembly their Returns to Overtures not later than the first day of May in each year; that said Presbyterial returns shall consist of certified extracts from the Minutes of Presbytery, and that a separate leaf of paper shall be used for the return on each Overture sent down by the General Assembly.

5. That papers in cases intended to be transmitted to the Assembly through the Committee on Bills, shall be accompanied by a Petition to that Committee, in the name of the party or parties transmitting, and that the Petition shall be transmitted on the day before the meeting of Assembly, with a view to promote the greater despatch of business at the meeting of the Committee—it being understood that this order shall not dispense with the attendance of parties at that meeting.

III. AS TO COMMITTEES FOR BILLS AND OVERTURES.

1. That the Committees for Bills and Overtures, appointed by the Assembly at their first diet, shall meet on the afternoon of that day, and again on the following day, half-an-hour before the meeting of Assembly.

APPENDIX II.

Standing Orders.

2. That the Committee on Bills shall see that all papers presented to them in cases from Inferior Courts, whether forming part of the Record, or produced in evidence before said Courts, have been duly dated and numbered by the Clerk of said Courts, and marked with his initials; and that the Committee shall not receive any paper which is not so authenticated, unless upon special cause shown, to be reported by them to the General Assembly.

3. That there shall be no meeting of either Committee after the first Monday of the Assembly, except by the leave of the Assembly on special cause shewn.

IV. AS TO PRINTING OF PAPERS IN CASES COMING UP TO THE ASSEMBLY.

1. That all papers coming before the Assembly—viz., Memorials, Petitions, Applications, References, Complaints, and Appeals, with Extracts of Minutes of Inferior Courts, relative thereto, as also Reasons of Complaint or Appeal; and, in cases of Libel, the Libel, with the Defences and Evidence adduced—which are passed by the Inferior Courts before the first of May, shall be transmitted in manuscript to the Clerks of Assembly not later than that date in each year, in order to be printed in sufficient numbers for the use of the Members of Assembly. Papers passed by the Inferior Courts at a later date shall be transmitted to the Clerks without delay.

2. That all such papers shall be printed by the Clerks, and as regards any papers referring to business dealt with by Presbyteries or Synods in private, or which the Clerks consider may lead to discussion in the Committees on Bills and Overtures, they shall have them printed separately, and a list of them shall be appended to the volume containing the papers passing the Clerks.

3. That in cases of discipline brought before the Assembly by reference from a Presbytery or Synod, or by complaint by a minority of the Court, the expense of printing shall be borne by the Assembly Arrangements Committee; in other circumstances by the Complainer or Appellant. That in all other cases, such as Petitions, References not in Causes, Memorials, etc., the expense shall be borne by the party having interest in the same, or desiring a deliverance from the Assembly.

4. That all such papers be printed in the octavo form, corresponding to pages of the volume of "Proceedings."

5. That all such papers shall be stitched together and paged, and provided with an alphabetical index for reference; and that a copy of all papers transmitted to the Clerks of Assembly by the first of May shall be forwarded to each Member of Assembly at least one week before the day of meeting.

6. That a copy of every printed paper shall be kept by the Clerks of Assembly, to be bound up and kept among the Records of Assembly.

V. AS TO THE GENERAL ASSEMBLY.

Standing Orders.

1. *Devotional Exercises.*

(1) That the Assembly celebrate the Ordinance of the Lord's Supper at the commencement of the first diet of the second day of their meeting.

(2) That any proposal for a pause in the Assembly's proceedings, with a view to engage in special devotional exercises, shall be made to the Assembly only through the Moderator.

2. *Business Committee and Committee for Printing the Acts.*

(1) That the Assembly shall, at their first diet, appoint a Committee to arrange the Business of the House;—that said Committee shall meet the same evening, and be prepared to make their first Report to the Assembly at the first diet on Wednesday, immediately after the Reports of the Committee on Bills and Overtures have been read. And further, that the Business Committee shall report from time to time to the Assembly, until the whole business has been disposed of.

(2) That at the same diet a Special Committee shall be appointed for printing the Acts of Assembly. That the said Committee shall prepare an Interim Report with special reference to the selection of Principal Acts, which shall be laid on the Table at the forenoon diet of the second last day of their meeting during the Sittings of Assembly, and after being printed in the "Daily Proceedings," shall be considered on the forenoon diet of the last day of their meeting.

3. *Reports of Committees.*

(1) That Reports of all Committees reporting to the Assembly shall be transmitted for printing to the Clerks of Assembly by the first day of May in each year, and shall be stitched together, and a copy forwarded to each Member of Assembly, at least one week before the day of meeting; and that all Reports so distributed shall be held as read.

(2) That Reports shall be printed in a size and style uniform with the volume of Reports of Assembly Proceedings, and that the Committee shall furnish the publisher of said volume, immediately after the rising of the Assembly, with a number of copies corresponding to the amount of its circulation.

(3) That Reports shall not be engrossed in the Record, but, after being printed, a copy of each, certified by one of the Clerks as being that given in to the Assembly, shall be kept *in retentis*, and the Reports thus collected shall be bound up in volume, to be preserved among other documents of the Assembly.

(4) That verbal Reports shall not be received, and no Sub-Committee shall give in any Report to the Assembly.

(5) That the final deliverance of the Assembly upon the Report of any Committee shall always follow immediately after the consideration of said Report, except in the event of a

special reason for the contrary having been approved of by the Assembly, and recorded in the Minute. And that all proposed deliverances on Reports of Standing Committees, and all others which include important details of business or expenditure, submitted for the approval of the Assembly, shall be handed to the Clerks not later than the day before the Report is taken up, and printed as Notices of Motion in the "Daily Proceedings."

(6) That all Reports of Committees appointed during the Assembly's sittings which contain any proposed deliverance not already printed, be put into the hands of the Clerks at least one diet previously to its being moved that they be approved of.

4. *The Reading of Speeches and length of Speeches.*

(1) That in the discussion of any subject brought before the Assembly, by Overture, or by the Report of a Committee, it shall not be allowable, without leave granted by the House, for any Member to read his Speech from a Manuscript prepared previously to the discussion, except in the case of a Member introducing an important subject to the attention of the House.

(2) That, previously to the discussion of any question which does not arise upon the Report of a Committee, or when no motion given notice of, contains an approval of such Report, the House shall determine, in such manner as may seem most expedient, the order of priority belonging to the motions given notice of; and that, when a motion approving of a Report has been made and seconded, the House shall determine in the same manner the order of priority, belonging to any other motions given notice of.

(3) That in the discussion of any question, when only two motions have been given notice of, the proposer of each of the motions may address the House for not longer than forty minutes, and the seconder for twenty minutes; that when a larger number of motions has been given notice of, the proposers of the first and second motions may address the House for half-an-hour, and their seconders for a quarter of an hour, and the proposers of subsequent motions may address the House for twenty minutes, and their seconders for ten minutes; no subsequent speaker shall address the House for a longer period than ten minutes. These limits shall only be exceeded when the Moderator shall have ascertained that the House desires any speaker to continue, and shall intimate the ascertained desire to that effect.

5. *The Conducting of Causes.*

(1) That, as far as may be possible, separate days shall be set apart for Causes and that it be understood that the Saturday and Monday shall, if necessary, be mainly devoted to this purpose.

(2) That Counsel shall not be heard at the bar in any Causes which may come before the House. Standing Orders.

(3) That when a Presbytery acquiesces in the sentence of a Synod, it shall not be entitled to appear as a separate party at the bar of the Assembly, but the members of Presbytery may nevertheless be heard as members of Synod.

(4) That in no case shall there be more than two speeches for each party at the bar, including the reply to which the appellant or complainer shall be entitled; and when there are more than two parties, there shall only be one speaker, and one speech for each, besides the reply—it being understood that where there are more than one complainer, each shall be considered as a different party only in case of its appearing to the Assembly that the complaints rest upon distinctly separate grounds.

(5) That previously to hearing the parties in any Cause, the Clerk shall read the following announcement, viz.:—"The members are reminded that justice requires the pleadings at the bar to be heard by all those who vote in the cause, and that, in particular, no member ought to vote against either side of the bar who has not heard the pleadings on that side."

(6) [1] That the Clerks of Assembly shall not issue the papers to the members of Assembly, with reference to cases which they think require to be conducted with closed doors, until specially instructed by the Assembly to do so; but shall report such cases to the Convener of the Business Committee, for its information, immediately after its appointment.

[2] That the Business Committee shall, in their first Report, specify any case which, in their judgment, requires to be conducted with closed doors; and any case which does not appear to them of that character, although the Clerks may have reported it as such.

[3] That, in all cases thus reported on by the Business Committee, the Assembly shall itself determine, by a special deliverance, at what stage of the proceedings the papers shall be issued to the members; and

[4] That in every case which the Assembly appoints to be conducted with closed doors, the instruction to issue the papers shall be accompanied by a special exhortation to the members to keep them private.

6. *Motions and Votes.*

(1) Every motion, whether original or amended, shall be given in to the Clerk in writing, as soon as it shall have been made to the House.

(2) When a motion is duly seconded, and in possession of the Assembly, it shall not be competent to make any alteration upon it without the permission of the House, excepting in the shape of an amendment, or second, or third motion, as the case may be, regularly proposed to the Assembly.

(3) The person who makes the first motion shall be entitled to the privilege of giving a reply, in which new matter must

not be introduced; thereafter the debate shall be held to be definitely closed, and no other person shall be entitled to speak excepting with regard to the manner of putting a vote.

(4) All motions after the first shall be considered as amendments on the first, and disposed of accordingly.

(5) When there are only two motions before the House, the question put to the vote shall be *motion* or *amendment*, or *first* or *second* motion.

(6) When there are three motions, the first question shall be, whether the second or third motion shall be put as the amendment against the first; and the second question shall be, whether the first motion or the amendment so fixed shall be the decision of the House.

(7) When there are more than three motions, the first question shall be whether that last proposed shall be put as the amendment, and so on till only three remain, when the procedure shall be as prescribed in Article (6).

(8) In Causes, it shall not be competent to move an amendment to the motion, unless it be of such a nature as to decide the case, or to forward it in its progress.

(9) Notices of motion which are to be printed in the "Daily Proceedings" must be given in during the forenoon sederunt of the preceding day. No notice of motion shall be printed by the Clerks, or allowed precedence in discussion, which has been given in earlier than the first Wednesday of the Assembly's Meeting, unless it relate to business which the House has agreed to take up on Wednesday of the first week.

(10) That when any proposal has been submitted in the Report of a Committee, any motion for approval of such proposal shall take precedence of any counter-motion or amendment.

7. *Mode of taking the Vote.*

(1) That on a division being called for, otherwise than by show of hands, a bell shall be rung for two minutes, during which time the Reporters' seat shall be closed, and all parties who are not Members, but have the privilege of entering the House, shall withdraw.

(2) That after the ringing of the bell, the Clerk shall repeat the announcement required to be made under Section 5, paragraph (5).

(3) That the division doors shall be placed in their position, and one side of each folding entrance door be closed, so that the Members may be able to go out only one at a time.

(4) That twelve Tellers shall be appointed by the Moderator, six from the supporters of each of the motions before the House. These Tellers shall take their places in pairs, one on each side, at the six doors of the House, and shall count the numbers passing out at their respective doors.

(5) That when the Tellers shall have taken their places, the Moderator shall direct the Members to vote by leaving the House at separate doors—those who support the first motion

going out at the right hand, and the supporters of the amendment, or second motion, at the left hand of the chair.

(6) That the Clerks of Assembly shall prepare printed Alphabetical Lists of Members, and shall appoint Clerks to mark at each door the votes of Members.

(7) That Members as they pass the door shall give their Christian names and surnames in a distinct voice to the Clerks.

(8) Thereafter the Members shall pass between the two Tellers, who shall both audibly count the number of each Member as he passes.

(9) That as soon as the vote shall thus have been taken, the Tellers shall report the state of vote to one of the Clerks of Assembly, who shall write it down, and read it to the House.

(10) That the Report of the Tellers, as read to the House, shall be held as final and conclusive, and not subject to any revision by scrutiny or otherwise.

(11) That when Members return to the House after the division, they shall be understood as having right to the seats which they occupied before leaving the House to vote.

8. *Dissents.*

That no dissents against any deliverance of the Assembly shall be given in until the matter in which it is pronounced is, for that sederunt, disposed of, the Minutes are completed and adjusted, and the House is ready to proceed to other business.

9. *Drafts of Declaratory or Interim Acts and Overtures.*

That the Draft of any proposed Declaratory or Interim Act, as also the Draft of any Overture which it is proposed to transmit to Presbyteries for their opinion in terms of the Barrier Act, shall be laid on the table of the Assembly, and printed and circulated among the Members, at least one day before a motion be made for the passing of such Declaratory or Interim Act, or for the transmission of such Overture to the Presbyteries of the Church.

10. *Letters addressed to the Moderator.*

That all letters addressed to the Moderator for the purpose of being communicated to the Assembly shall, in the first instance, be laid before the Business Committee, who shall advise the Moderator as to the way of disposing of them.

11. *Deputations from other Churches, etc.*

(1) That Deputies from other Churches and from Societies shall, on their arrival, give in their commissions or letters of introduction to the Clerks of Assembly, who shall report the

same to the Business Committee, that arrangements may be made for receiving them at a convenient time.

(2) That in the case of strangers who may be desirous of being introduced to the Assembly and addressing the House, notice thereof shall be conveyed to the Moderator, who shall report the same to the Business Committee, that they may advise in the matter.

12. *Visitation of Synod Records, and Examination of Minutes of Standing Committees.*

(1) That the Synod books be called for on the first Wednesday of the Assembly, and that a Committee or Committees shall be appointed for visiting the same, who shall fill up a *Schedule* with the information required by the Assembly regarding each Book—said Schedule to be returned on the second Wednesday, when the Report of the Visitors shall be called for.

(2) That a copy of the Report, as sustained by the Assembly, shall be transmitted to the Synod, and be engrossed in their Record.

(3) That the Minutes of Standing Committees be laid annually on the Table of the Assembly, and visited in the same manner as the Synod Books.

13. *Printing of Assembly's Proceedings, etc.*

That each day's proceedings, together with roll of matters to be taken up on the following day, and notices of meetings of Committee, be printed from day to day and placed in the hands of the Members of Assembly.

14. *Minutes.*

That the Minutes adopted at any of the diets be read over and approved of *only* at a morning diet, with the exception of the Minutes adopted on the last day of the Assembly's sittings.

15. *Standing Orders.*

That the Standing Orders be held as read immediately before the appointment of the Business Committee, and that they be printed in the Abstract of the first day's Proceedings.

VI. COMMITTEES.

1. The Standing Committees shall be twenty-one in number; on nine of these, having the administration of Funds and Schemes, Presbyteries shall be represented, viz. :—

I.—THE NINE PRINCIPAL STANDING COMMITTEES.

1. Sustentation and Augmentation Funds.
2. Home Mission.
3. Church and Manse Building.
4. Highlands and Islands.
5. Foreign Missions.
6. Colonial.
7. Continental.
8. Jewish Conversion.
9. Youth of the Church.

II.—Other Standing Committees. Standing Orders.

10. Education.
11. College.
12. Aged and Infirm and Pre-Disruption Ministers' Funds.
13. Assembly Arrangements.
14. Finance.
15. Publications and Records.
16. Distribution and Employment of Probationers.
17. Nomination Committee.
18. Church Life and Work.
19. Sabbath Observance.
20. Temperance.
21. Praise.

III.—Temporary and Occasional Committees.

22. Law.
23. Presbyterian Chaplains in the Army and Navy.
24. On State Regulation of Vice.
25. On Systematic Giving.
26. Anent Reports of Synods on Presbyterial Visitation.
27. On Romanism and Ritualism.
28. On Church and State.
29. On Statistics.

Under Special Trusts.

Kerr Lectureship.
Beattie Trust.
"Reformer's" Gift.
Chalmers' Lectureship.
Cunningham Lectureship.

2. The Sustentation and Augmentation Funds, Home Mission, and Foreign Missions' Committees shall have a membership not exceeding one hundred each; the other six of the nine already enumerated, a membership not exceeding seventy-five; and the Committee on Women's Foreign Mission Work, a membership not exceeding fifty-one.

Two-thirds of the Nine Principal Standing Committees shall be made up of representatives nominated by the Presbyteries, and one-third of members appointed by the Assembly on recommendation of the Nomination Committee.

No Standing Committee (other than the first nine) shall consist of more than fifty members, with the exception of the Nomination Committee, which shall consist of representatives appointed by each Synod in the proportion of one minister and one elder for every hundred congregations, or fraction of a hundred, together with a proportion of one-third to be appointed by the General Assembly on the recommendation of the Committee.

The College Committee shall consist of forty-eight members, of whom twenty-four shall be ministers, and not more than six of them shall be Principals or Professors.

The Probationers' Committee shall consist of sixteen members.

3. That Members of each of the Standing Committees shall retire after serving for four years; but their names shall be subject to removal from the Nine Principal Standing Committees, if they have failed to attend at least four meetings in all of these Committees between June 1st and March 1st. All members retiring or having their names removed from these Committees, shall be eligible for re-election. That Conveners of Standing Committees shall be appointed annually by the Assembly, and shall not hold office for more than five consecutive years, unless the Assembly are satisfied that there are

exceptional circumstances in any particular case; that Vice-Conveners shall also be appointed annually to those Committees which have charge of Funds and Schemes, and shall hold office for not more than three consecutive years, and that the Nomination Committee shall intimate each year in the month of March, to the Committees concerned, what Conveners and Vice-Conveners retire, and shall also report the same to the General Assembly.

4. That in making their selection, the Nomination Committee shall communicate with the Conveners of the respective Committees, and shall secure that one-third of the members of each of the Nine Principal Standing Committees shall be of the Committee's nomination. They shall transmit to the Assembly names of members for the above nine Committees who have been nominated by the Presbyteries in manner as under, and the Nomination Committee shall allocate all members, as they shall see fit, to the said Committees, so that each member shall serve on not fewer than two of the nine above-named.

(*a*) Each Presbytery shall be entitled to be represented in the above nine Committees—subject to the appointment of the Assembly—by one minister and one elder for every twenty, or fraction of twenty, congregations within its bounds. Members of Committees who have been selected by the Nomination Committee, or who have been proposed in the Assembly shall not be counted as forming part of the representation of their respective Presbyteries.

(*b*) The Convener of the Nomination Committee shall each year, in the month of March, intimate to the Presbytery Clerks the number of vacancies (with names of members retiring) that shall occur in the representation of their respective Presbyteries through any cause, and ask them to send him, on or before the first day of May, the names of those nominated to fill the vacancies.

(*c*) Each Presbytery shall nominate members to fill such vacancies. Elders may, if necessary, be chosen from any Presbytery in the Church. Should any Presbytery fail to nominate its full complement of representatives, the omission may be supplied by the Nomination Committee.

(*d*) In the case of a minister representing his Presbytery on the Standing Committees of the Church at the time of his translation to another Presbytery, he shall cease, from the first Assembly following, to represent his former Presbytery on said Committees; provided said translation has taken place, and has been advised by the Clerk of the Presbytery which he has left to the Convener of the Nomination Committee, prior to 1st March. And the vacancy shall be filled up in accordance with the Standing Orders.

5. Further, that in making their selection, this Committee shall have regard (1) to fitness for the work of the particular Committee for which the persons are to be nominated; (2) to as equable a distribution of influence as possible over the Church; and (3) to economy, as regards the expense connected with attendance at Committee meetings. Standing Orders.

6. A certain number of ordained members of the Mission Councils shall be added by the Nomination Committee as representative members to the several Mission Committees. Mission Councils are requested to intimate through their respective Committees to the Nomination Committee by the first day of May in each year, the names of such ordained Missionaries as are to be at home during the following twelve months.

Ordained Missionaries on furlough, not so appointed members of the Mission Committees, shall be regularly invited to attend the ordinary meetings of the respective Committees, with liberty to speak.

II. Committees.

A.—*STANDING COMMITTEES.*

I. MEMBERSHIP AND MODE OF APPOINTMENT.

1. The Sustentation and Augmentation Funds Committee, the Home Mission Committee, and the Foreign Mission Committee have each a membership not exceeding one hundred.[1] The following six have each a membership not exceeding seventy-five: Highlands and Islands, Church and Manse Building, Colonial, Continental, Jewish Mission, Youth of the Church. The College Committee has a membership of forty-eight, of whom twenty-four shall be ministers, and not more than six of these shall be Principals or Professors. The Probationers' Committee consists of sixteen members. None of the other Standing Committees shall exceed fifty members. Membership.

2. Members are appointed to the Standing Committees according to rules which will be found detailed in the Standing Orders of the General Assembly, Head VI. Committees (see page 162). Mode of Appointment.

3. A complete list of the Standing Committees will be found in Chapter VI., page 77. List of.

II. DUTIES AND REGULATIONS.

Sustentation and Augmentation Funds Committee.

1. The Sustentation and Augmentation Funds Committee is charged with the administration of the central funds for the Sustentation and Augmentation Funds Committee.

[1] See also Standing Orders, Head VI. Rule 6, above.

APPENDIX II.

Sustentation and Augmentation Funds Committee.

support of the ministry, meanwhile under two sections. It considers all questions that arise in connection with the distribution of the funds, on the basis of the information supplied through Presbyteries, as to the proposals made by vacant congregations desiring moderation in a call, or congregations asking for a colleague and successor to their minister, and takes steps by communications with Presbyteries, Deacons' Courts, or Congregational Committees to secure the interests of the funds in connection with such proposals. It also guides and supervises the maintenance of effective organisations in all the congregations of the Church for the adequate support of these funds, under arrangements made by Assembly.

Home Mission and Church Extension.

Home Mission and Church Extension.

2. The Home Mission and Church Extension Fund Committee is charged generally with the work of Home Missions and of Church Extension, so far as relates to the support of agents, but does not give grants for buildings, except in connection with the Miners' Mission.

It administers the following funds:—Home Mission and Church Extension Fund; Home Evangelisation Fund, for work in large cities; and the Miners' Mission Fund, for work in mining districts. It gives grants in aid of Congregational Missions, Territorial Mission Charges, Church Extension Charges, for resuscitation of charges under a new ministry, where the circumstances of districts have altered, and for Home Mission Stations: also grants from the Miners' Mission Fund for support of Missionaries, and occasional grants for erection of halls or churches in mining districts. It takes steps to stimulate Home Mission effort and liberality among the congregations of the Church, and employs a staff of Evangelists for the conducting of Evangelistic Services. It also carries on special work among the young and agricultural labourers, and at the chief fishing stations during the season for herring fishing, and gives grants for special ministerial supply at places of summer resort.

Church and Manse Building.

Church and Manse Building.

3. The Church and Manse Building Funds Committee is charged with the administration of the following Funds:—Church and Manse Building Fund; Church Extension (Building) Fund; Manse Fund; Debt Liquidation Fund; and Permanent Loan Fund.

Highlands and Islands.

Highlands and Islands.

4. The Highlands and Islands' Committee takes the place of the Home Mission Committee in dealing with the Highlands and Islands of Scotland.

Foreign Missions

Foreign Missions.

5. The Foreign Missions Committee has charge of the Foreign Missions of the Church.

(1) The Committee decides upon the formation of new Stations; appoints Missionaries, Catechists, and Teachers, or sanctions those locally appointed; conducts correspondence with the Missionaries; determines all questions of salary and other expenses; appoints deputies to visit the Mission fields when this is deemed desirable; and, in general, regulates all matters affecting the Missions, with the view of maintaining them in a state of efficiency. Foreign Missions.

(2) The Committee receives offers of service from Ministers, Licentiates, Medical Graduates, Teachers, and Artisans, and makes full inquiries regarding their character and qualifications, and also in regard to their fitness for a foreign climate, with the view of making such appointments to the Mission fields as may be required for the efficient carrying on of the work in its various departments.

(3) The Committee requires all Missionaries to forward from time to time to the Secretaries such statements as are fitted to promote the interest of the Church in its work abroad, and specially to give each year, in sufficient time for the Annual Report, a full account of the work in which they are engaged, with details and statistics in accordance with the schedules which are furnished to them.

(4) In each Mission field there is a Mission Council, the constitution and powers of which are defined by Acts of the General Assembly (see Act II., 1901, and Act V., 1902). The Foreign Mission Committee regulates the affairs of the Mission through the Mission Council, who receive and allocate the funds supplied by the Committee, determine the Stations at which the agents are to be employed, exercise a general superintendence over the work, and report their procedure from time to time to the Committee for its sanction. The Mission Presbytery deals with all matters pertaining to the internal affairs of the Native Church.

(5) The Committee supplies the congregations of the Church with full information regarding the various Missions and their claims upon the Church's liberality, by the issue of publications, and by arranging for the congregations being visited by the Missionaries, when on furlough, or by others who are acquainted with the Foreign Mission operations of the Church.

(6) The Committee administers the funds that are contributed for Foreign Missions in the form of congregational contributions, donations, legacies, etc., having due regard to the needs and claims of the various Mission fields.

(7) The Committee thus seeks, in the name of the Church, to take part in carrying out the Lord's commission to evangelise all nations.

Colonial.

6. The Colonial Committee aids the Churches of the greater Colonies in providing Christian ordinances for new settlers and promoting the work of Church Extension. The Committee Colonial.

APPENDIX II.

Colonial.

gives grants in aid of some congregations in India and in minor Colonies where there are small communities of English-speaking people unable to make adequate spiritual provision for themselves.

The Committee also helps to provide Christian ministry for Scottish soldiers and marines.

Continental.

Continental.

7. The Continental Committee has taken over the work on the Continent of Europe, formerly carried on by the Free Church and the United Presbyterian Church. That work has two departments:—

(1) Providing Christian ordinances for our own countrymen and other English-speaking people resident there, or visiting for business, education, health, or pleasure.

(2) Corresponding with and aiding the native Protestant Churches in their work of evangelisation.

Jewish Mission.

Jewish Mission.

8. The Jewish Mission Committee has for its object the promotion of Christianity among the Jews.

Youth of the Church.

Care of Youth.

9. The Committee on the Youth of the Church is responsible for three departments of work, namely: (1) Sabbath Schools; (2) Welfare of Youth and Bible-class examinations; (3) Guilds and Societies.

Under the *first* it exercises supervision over the system of Sabbath schools belonging to the Church; prepares *Schemes of Lessons*, and *Notes* for the use of teachers; conducts a Children's Bible Question Scheme, carried on through the medium of *The Children's Missionary Magazine*; and holds an annual Sabbath school examination. It also provides instruction for theological students in the art of Sabbath school teaching, and practical training for Sabbath school teachers.

Under the *second* it prepares a varied and extensive syllabus of studies in the Old and New Testaments, in doctrinal, historical, and advanced subjects, and in essays. It prepares suitable text-books, and conducts yearly examinations, and provides valuable prizes and certificates for meritorious candidates.

Under the *third* it takes charge of the various societies connected with the congregations of the Church—Guilds, Christian Endeavour Societies, Boys' Brigades, Young Men and Young Women's Christian Associations, Literary and Mutual Improvement Societies, etc. It holds an annual Conference of the Guild and Young People's Societies at some suitable centre, conducts a Guild mission scheme, and a scheme of quarterly essays and prizes, and devises means for instructing and interesting our young people in the history and work of the Church. It also prepares literature, in the form of hand-books, Bible readings, and the like, appropriate to this branch of its work.

Education.

10. The Education Committee exercises supervision over the Training Colleges of the Church; administers a fund for grants to aged and infirm teachers formerly in the service of the Church; and watches over educational questions that arise, in their bearing upon the welfare and work of the Church. Education.

It annually appoints a local committee for each of the three training colleges, consisting partly of members of the committee, partly of other office-bearers—ministers and elders—in the locality. These local committees act as the managers of their respective training colleges; correspond with the Scotch Education Department; receive grants and administer them; and exercise special supervision over the whole working of the training colleges and practising schools. They appoint the members of the teaching staff, subject to the approval of the Education Committee, and report to it from time to time.

The Education Committee reserves to itself the appointment of Rectors of the Colleges.

College.

11. The College Committee takes the general oversight of the training of students for the ministry and of the colleges; undertakes the general administration of college property and finances; gives advice in cases of difficulty; originates and prosecutes before the Church Courts processes against any of the professors for heresy or immorality, and makes necessary inquiries for this purpose; originates and prepares for the decision of the General Assembly proposals for the retirement of professors in consequence of age, infirmity, or other adequate cause, and for fixing the retiring allowances they are to receive; and entertains and deals with any appeal which may be taken from a judgment of the senatus of any of the colleges, and any complaints on the part of students which may be made to it in writing. College.

It fixes the time for the opening and closing of the college session; superintends the arrangements for the entrance and exit examinations, and for the examinations for bursaries or scholarships under the control of the Church; and adjudicates upon the results.

It appoints examiners, subject to the approval of the Assembly. These examiners prepare examination papers and value the exercises of the students in the various examinations for which arrangements have to be made by the Committee. They are appointed for four years, and are not eligible for reappointment until a year after the expiry of their term.

It arranges for a special visitation of the colleges once in four years. All communications from students intended to be brought before the quadrennial visitation must be sent beforehand to the Committee. The result of this visitation is fully reported to the General Assembly.

It appoints annually three sub-committees, each consisting of

APPENDIX II.

College.

nine members other than professors. One of the colleges is assigned to the special charge of each of these sub-committees, who shall visit it when desirable, and report on its general state to the Committee at the close of the Session.

Local Boards are appointed in connection with each of the colleges for the management of their financial affairs—the Principal of each college being Convener of the Board of his college. These Boards are subject to the College Committee, and present to it annually a statement of accounts to be laid before the Assembly. Regulations for their guidance will be found in Act IX. of Assembly 1869, and Act VI. of Assembly 1871 (see pages 211, 212).

Aged and Infirm Ministers' Fund.

Aged and Infirm Ministers' Fund.

12. The Aged and Infirm Ministers' Fund Committee is charged with the administration of the following Funds, viz.: (1) The Pre-Disruption Ministers' Fund; (2) Aged and Infirm Ministers' Fund (Free Church Section); and (3) Aged and Infirm Ministers' Fund (United Presbyterian Section). The regulations in force in the respective Churches previous to the Union with regard to application for grants and the distribution of the Funds remain, meanwhile, in force.

Assembly Arrangements.

Assembly Arrangements.

13. As its name implies, the Assembly Arrangements' Committee has largely to do with the arrangements in connection with the General Assembly.

Among its other duties the Committee attends to:—

(1) The appointment of ministers to preach before the General Assembly. One of these is a nominee of the Moderator-elect. The Secretary of the Committee corresponds with the ministers selected by the Committee, and obtains their consent to their names being submitted to the General Assembly with a view to appointment.

(2) The names of corresponding Members to the English Presbyterian Church, and Delegates to other Churches and Societies, are suggested by the Committee to the Assembly or its Commission.

(3) It is the practice of the Assembly to remit certain Overtures, etc., which are not ripe for disposal by the Assembly to the Committee, for consideration and report, with a view to their being disposed of by the ensuing Assembly.

(4) The Committee occasionally initiates action in regard to matters which it considers it desirable to bring under the notice of the General Assembly with a view to legislation or other action.

(5) While the Assembly is not sitting, communications from other Churches are received and considered by the Committee; and all communications addressed to the Church through the Moderator or any of the Clerks of the Assembly are also dealt with, in the first instance, by the Committee when the Assembly is not in session.

(6) A Sub-Committee of this Committee has charge of the Assembly Hall buildings. Assembly Arrangements

(7) The Committee has charge of considerable funds. The income is derived chiefly from (1) an annual payment of £900 (which may be increased) by the Standing Committees of the Church; (2) an assessment on Congregations fixed by Act IV. 1902 (see page 141), and (3) sale of tickets for General Assembly. The disbursements include salaries of Assembly officials, allowance to Moderator for expenses, expenses of Delegates appointed by the Assembly, and a large number of miscellaneous payments, including printing, etc., for Committees which have not funds.

The Moderator of Assembly is Convener of the Committee for the year after his appointment, and the Senior Principal Clerk Vice-Convener.

Finance.

14. Among other duties falling to it, the Finance Committee of the Church exercises complete control of the General Treasurer's and of the Accountant's Departments; the preparation and issue of Schedules for local financial returns; the preparation and publication of the Accounts of the Church; and the preparation of an annual Report to the General Assembly. It also receives and considers the periodical Reports by the Auditors appointed by the General Assembly. Finance.

The Committee fixes the remuneration of the General Treasurer, Assistant Treasurer, Accountant, and Auditors. In cases of salaried Secretaries to Committees, where the remuneration has not been fixed by the General Assembly, it receives and disposes of recommendations by the Committees in reference to such remuneration; and in cases where the General Assembly has fixed such remuneration it receives recommendations by the Committees in reference thereto, and passes on the same to the General Assembly along with its judgment thereon.

The Committee is also charged with the general supervision of the conduct, duties and work of the clerks and subordinate officials employed in the Offices of the Church—paying due regard to the wishes of the several Committees—and in particular its approval is necessary in all cases of appointment and dismissal of clerks, and it fixes their salaries and attendance.

The Committee has entire care of the buildings and furnishings of the Offices of the Church, and appoints and supervises the necessary caretakers. It also exercises reasonable care that the amenity of the Offices be preserved.

The Committee arranges periodically for estimates being taken and contracts made for the printing in connection with the work of the several Committees.

The Committee makes regulations for the incidence of the General Expenses of the Church, and for the allocation of the expenses of the Sustentation and Augmentation Department, and of the Home Office. It also arranges for the safe custody of the current Funds, by Banks or otherwise, and it makes regulations

APPENDIX II.

Finance.

for the Interest to be allowed to or charged against the various Committees.

Publications and Records.

Publications and Records.

15. The Publications and Records Committee takes charge of the *Missionary Record* and *Children's Missionary Magazine*, issued monthly by the authority of the Church, and makes arrangements for their being published. It acts as an Advisory Committee with the Editors, and has control of the Publications Office and of all business transacted therein. It likewise issues publications from time to time for the use of the Church, as occasion requires, the preparation of which may be arranged by itself or by some other Committee. It collects information regarding the Records of the Church, and interests itself in the preservation of these Records. Its further duties cannot be precisely defined, but they are in the line of those mentioned.

Distribution and Employment of Probationers.

Probationers.

16. The Committee for the distribution and employment of probationers has a salaried clerk resident in Edinburgh, appointed by the Committee but not a member of it. He also takes charge, under the supervision of the Committee, of occasional supply for the pulpits of ministers.

The work of this Committee in connection with vacant charges is conducted under the following regulations, which were sanctioned by the General Assembly in May 1902:—

(1) The Committee shall prepare and keep a roll called the Roll of Probationers, on which shall be entered the names and dates of licence of all licentiates (unless any such signify their wish to have their names omitted), and the names of ministers who have had probation granted them, and of ministers and probationers admitted as probationers from other denominations.

(2) Ministers who have been admitted to the roll shall have probation entitling them to appointments in vacant congregations for a period of three years from the date of their admission, or until such time as they have had the opportunity of being heard in at least six vacancies.

(3) Probationers shall be placed on the roll on being licensed, if they desire it, and shall be entitled to appointments for a period of seven years, and shall not be removed from the roll until they have received at least fourteen appointments to vacancies, and, in order to secure that, if practicable, this minimum shall be reached during their seven years' probation, the Committee shall at the beginning of each year ascertain the number of vacancies in which each probationer who has been six years on the roll has preached, and they shall, if possible, give to such of them as have not had the specified minimum of opportunities sufficient appointments during their last year to complete that number.

(4) After the expiry of his term of probation, a probationer may be appointed to a vacancy when requested by the congregation concerned. Probationers.

(5) When ministers or licentiates withdraw their names from the roll of probationers, for any cause that the Committee shall approve, the time of their absence is not reckoned in the period of probation.

(6) The Committee shall note in their register the date at which appointments to any minister or licentiate on their roll commenced, the number of appointments each has received and fulfilled, and a record of the time, if any, during which his name has been removed from the roll with the approval of the Committee.

(7) After each meeting of Presbytery, at which vacancies (including colleagueships) have been intimated, or calls sustained, or ordinations or inductions fixed, or students licensed, the clerk of the Presbytery shall give intimation of the same to the clerk of the Distribution Committee. In the case of vacancies, he shall also furnish the clerk of the Committee with the names and addresses of the *interim* moderator and session-clerk in every vacant congregation requiring supply from the Committee.

(8) The Committee shall publish a Quarterly Scheme containing the names of all the probationers on the roll: of all the vacancies in the Church, whether they receive appointments from the Committee or not; and of all appointments which have been made.

(9) The Committee shall send this Quarterly Scheme, as soon as prepared—

(*a*) To all Presbytery clerks:

(*b*) To the *interim* moderator and session-clerk in all vacancies which are receiving supply from the Committee, with the addresses of those probationers who have been appointed as supply to those congregations:

(*c*) To the probationers, with the name and address of the *interim* moderator and session-clerk in those vacancies to which the probationers may be appointed as supply and also the list of lodgings provided.

(10) Appointments of probationers to vacancies shall be made only by the Committee of Distribution, and no probationer shall be eligible for a call to a vacant church unless he has preached in it by appointment of the Distribution Committee. The appointments by the Committee shall run from the time when the Presbytery accepts the previous minister's resignation or agrees to his translation.

(11) When a vacant congregation desires to hear any particular probationers, with or without a leet, their names shall be sent on by the *interim* moderator to the clerk of the Committee; and the Committee shall, so far as consistent with the equal distribution of the vacancies among all the probationers, give effect in its appointments to such requests. Such requests, however, shall only be granted to the extent of one-half of the proba-

APPENDIX II.

Probationers.

tioners appointed, the other half being sent by the Committee in the order of rotation from the roll. The probationers selected by the Committee shall preach alternately with those selected by the congregation.

Should several congregations ask for a hearing of the same probationer, the Committee may, if it see fit, appoint him to these vacancies, in which case his name shall be passed over in the usual rotation until his average number of appointments is equal to that of other probationers.

When a leet is formed, it is recommended that it be restricted to four or six probationers in all.

(12) Probationers shall not be at liberty to make application for a hearing in any vacancy.

(13) Congregations are strongly recommended not to elect a probationer till they have had opportunity of hearing him preach on two Sabbaths.

(14) When a probationer has been elected to a vacant congregation, the *interim* moderator shall give notice to the clerk of the Committee, who shall cancel further appointments made for that congregation, and when a probationer accepts a call, he shall give notice to the clerk of the Committee, who shall cancel any appointments to other vacancies that may have been made to him. Congregations which have made an election, shall, if still supplied by the Committee, not be considered as vacancies.

(15) The clerk of Committee, on receiving applications for occasional supply to the pulpits of ministers, shall, as far as possible, provide the supply required by sending, in the first instance, probationers who are available for such service. All appointments shall be intimated both to the minister applying and to the probationer appointed.

(16) Private arrangements as to occasional supply between a Presbytery or a minister and a probationer shall be immediately notified by the probationer to the clerk of the Committee, but they shall not be considered binding should any appointments for the same day or days have been issued to him by the Committee before receipt of such notice. On receiving any such notice, the clerk shall by first post intimate if there is any obstacle to the arrangement taking effect.

(17) Probationers are required to advise the clerk of the addresses where letters and telegrams will immediately find them, and to acknowledge communications in regard to preaching engagements by return of post.

Nomination.

Nomination.

17. It is the duty of the Nomination Committee to intimate to Presbytery clerks, in the month of March, the number of vacancies in their representation; and to ask them to send in, on or before the first of May, the names of those nominated to fill the vacancies.

Thereafter, having communicated with the Conveners of the respective Committees, the Nomination Committee shall distribute the members sent up by Presbyteries so that each be appointed

to at least *two* of the Nine Principal Standing Committees, and shall recommend such names as are required for the filling up of their own proportion of one-third. Nomination.

The Nomination Committee also deals with vacancies in the other Standing Committees, and in the Temporary and Occasional Committees; recommending names to the General Assembly for approval.

18. The departments of work under the charge of the other Standing Committees are in a general way indicated by the titles which they bear. Other Standing Committees.

B.—*TEMPORARY AND OCCASIONAL COMMITTEES.*

1. The Assembly also appoints temporary and occasional committees when it thinks fit, to deal with specific business, or questions of public interest and importance. These are also subject to rotation. Members retire after four years' service, and their places, together with the places of any who may otherwise cease to be members, are filled up by the General Assembly on the Report of the Nomination Committee. General Statement. Rotation.

2. The following is the list of these Committees at present:— 1. Law; 2. Presbyterian Chaplains in the Army; 3. On State Regulation of Vice; 4. On Systematic Giving; 5. Anent Reports of Synods on Presbyterial Visitation of Congregations; 6. On Romanism and Ritualism; 7. On Church and State; 8. On Statistics; 9. General Interests. List of Temporary and Occasional Committees

3. Special Committees are appointed by the General Assembly when required. They are not subject to rotation.

C.—*WOMEN'S FOREIGN MISSION.*

Although the Women's Foreign Mission work is not conducted by a committee of Assembly, it is carried on in co-operation with the Assembly's Foreign Mission Committee, and under the following regulations which have received the sanction of the Assembly, and it reports annually to the General Assembly:— General Statement.

(*a*) The number of members of the committee is limited to fifty-one. The majority of these are elected by the members of the society or delegates from the Presbyterial Committees at their annual conference. But ten are taken from the members of the Assembly's Foreign Mission Committee—five appointed by that committee, and five chosen by the Women's Committee.

(*b*) The minutes of the Women's Committee are sent to the Foreign Mission Committee for confirmation, and when these minutes are under consideration a certain number of the Women's Committee, selected by them to represent them, are associated with the Foreign Mission Committee as an integral part of it.

(*c*) The minutes of the Foreign Mission Committee are

APPENDIX II.

General Statement.

sent to the members of the Women's Committee for their information.

(*d*) The Women's Committee elects its own office-bearers and officials, and manages the business, selects and corresponds with the missionaries, and administers the funds connected with its own department.

D.—*WOMEN'S JEWISH MISSIONARY ASSOCIATION.*

General Statement.

The Central Committee of this Association, though not an Assembly Committee, is affiliated to the Jewish Mission Committee.

(*a*) The Central Committee consists of twenty-one members appointed by local Associations within the bounds of certain Presbyteries. It corresponds with missionaries, appoints agents, and administers the funds contributed for the work. The Secretary of the Jewish Mission Committee is *ex officio* Secretary of the Central Committee.

(*b*) The minutes of the Jewish Mission Committee are sent to the members of the Central Committee for their information, and the minutes of the Central Committee are submitted to the Jewish Committee for their approval, on which occasion two members of the Central Committee are invited to meet with the Jewish Mission Committee. The Report of the Women's Jewish Missionary Association is presented to the Assembly along with that of the Jewish Mission Committee.

APPENDIX III.

ACTS AND DOCUMENTS REFERRED TO IN RULES, OR IMPORTANT FOR INFORMATION.

I. Barrier Act.

Act IX. 1697.—Act anent the Method of passing Acts of Assembly of general concern to the Church, and for preventing of Innovations.

Barrier Act.

The General Assembly, taking into their consideration the overture and Act made in the last Assembly concerning innovations, and having heard the report of the several commissioners from Presbyteries to whom the consideration of the same was recommended, in order to its being more ripely advised and determined in this Assembly; and considering the frequent practice of former Assemblies of this Church, and that it will mightily conduce to the exact obedience of the Acts of Assemblies, that General Assemblies be very deliberate in making of the same, and that the whole Church have a previous knowledge thereof, and their opinion be had therein, and for preventing any sudden alteration or innovation, or other prejudice to the Church, in either doctrine or worship, or discipline, or government thereof, now happily established; do, therefore, appoint, enact, and declare, that before any General Assembly of this Church shall pass any acts, which are to be binding Rules and Constitutions to the Church, the same acts be first proposed as overtures to the Assembly, and, being by them passed as such, be remitted to the consideration of the several Presbyteries of this Church, and their opinions and consent reported by their commissioners to the next General Assembly following, who may then pass the same in acts, if the more general opinion of the Church thus had agree thereunto.

II. Acts referred to in Preamble to Questions and Formula.

1. Act approving the Confession of Faith.

(27*th August* 1647.)

Approbation of the Confession of Faith.

A Confession of Faith for the Kirks of God in the three Kingdomes, being the chiefest part of that uniformity in religion, which, by the Solemne League and Covenant, we are bound to endeavour; and there being accordingly a Confession of Faith agreed upon by the Assembly of Divines sitting at Westminster, with the assistance of Commissioners from the Kirk of Scotland; which Confession was sent from our Commissioners at London to the Commissioners of the Kirk met at Edinburgh in January last, and hath been in this Assembly twice publikely read over, examined, and considered; copies thereof being also printed, that it might be particularly perused by all the members of this Assembly, unto whom frequent intimation was publikely made to put in their doubts and objections, if they had any; and the said Confession being, upon due examination thereof, found by the Assembly to be most agreeable to the Word of God, and in nothing contrary to the received doctrine, worship, discipline, and government of this Kirk; and, lastly, it being so necessary and so much longed for that the said Confession be, with all possible diligence and expedition, approved and established in both kingdomes, as a principal part of the intended uniformity in religion,

APPENDIX III.

Approbation of the Confession of Faith.

and as a special means for the more effectual suppressing of the many dangerous errours and heresies of these times: The Generall Assembly doth, therefore, after mature deliberation, Agree unto and Approve the said Confession, as to the truth of the matter (judging it to be most orthodox, and grounded upon the Word of God); and also as to the point of uniformity, agreeing, for our part, that it be a common Confession of Faith for the three Kingdomes. The Assembly doth also blesse the Lord, and thankfully acknowledge his great mercy, in that so excellent a Confession of Faith is prepared and thus far agreed upon in both Kingdomes; which we look upon as a great strengthning of the true reformed religion against the common enemies thereof. But lest our intention and meaning be in some particulars misunderstood, it is hereby expressly declared and provided, that the not mentioning in this Confession the severall sort of ecclesiasticall officers and assemblies shall be no prejudice to the truth of Christ in these particulars to be expressed fully in the Directory of Government. It is further declared, that the Assembly understandeth some parts of the Second Article of the Thirty-One Chapter only of Kirks not settled or constituted in point of government; and that although in such Kirks a synod of ministers and other fit persons may be called by the magistrates' authority and nomination, without any other call, to consult and advise with about matters of religion; and although likewise the ministers of Christ, without delegation from their churches, may of themselves, and by vertue of their office, meet together synodically in such Kirks not yet constituted, yet neither of these ought to be done in Kirks constituted and settled; it being alwayes free to the magistrate to advise with synods of ministers and ruling elders, meeting upon delegation from their churches, either ordinarly, or being indicted by his authority occasionally and *pro re natâ*, it being also free to assemble together synodically, as well *pro re natâ* as at the ordinary times upon delegation from the churches, by the intrinsical power received from Christ, as often as it is necessary for the good of the Church so to assemble, in case the magistrate to the detriment of the Church withhold or deny his consent; the necessity of occasional Assemblies being first remonstrate unto him by humble supplication.

2. ACT ANENT THE SHORTER CATECHISM

(28*th July* 1648.)

Approbation of the Shorter Catechism.

The Generall Assembly, having seriously considered the Shorter Catechisme, agreed upon by the Assembly of Divines sitting at Westminster, with assistance of Commissioners from this Kirk, doe finde, upon due examination thereof, that the said Catechisme is agreeable to the Word of God, and in nothing contrary to the received doctrine, worship, discipline, and government of this Kirk; and, therefore, approve the said Shorter Catechisme, as a part of the intended uniformity, to be a Directory for catechising such as are of weaker capacitie.

3. ACT XII.—GENERAL ASSEMBLY, 1846.

Questions and Formula.

Whereas it has become necessary, in consequence of the late change in the outward condition of the Church, to amend the Questions and Formula to be used at the licensing of Probationers, and the ordination of Deacons, Elders, and Ministers respectively, the General Assembly, with consent of a majority of Presbyteries, enact and ordain, that the following shall be the questions so to be used: And, considering that the Formula, to this Act subjoined, embodies the substance of the answers to the said questions, the Assembly appoint the same to be subscribed by all Probationers of the Church before receiving licence to

preach the gospel, and by all office-bearers at the time of their admission: And the General Assembly, in passing this act, think it right to declare, that, while the Church firmly maintains the same scriptural principles as to the duties of nations and their rulers in reference to true religion and the Church of Christ, for which she has hitherto contended, she disclaims intolerant or persecuting principles, and does not regard her Confession of Faith, or any portion thereof, when fairly interpreted, as favouring intolerance or persecution, or consider that her office-bearers, by subscribing it, profess any principles inconsistent with liberty of conscience and the right of private judgment. Questions and Formula.

4. Declaratory Act of the United Presbyterian Synod.

(*Adopted May* 1879.)

Whereas the formula in which the Subordinate Standards of this Church are accepted requires assent to them as an exhibition of the sense in which the Scriptures are understood: Whereas these Standards, being of human composition, are necessarily imperfect, and the Church has already allowed exception to be taken to their teaching or supposed teaching on one important subject: And whereas there are other subjects in regard to which it has been found desirable to set forth more fully and clearly the view which the Synod takes of the teaching of Holy Scripture: Therefore, the Synod hereby declares as follows:— Declaratory Act, 1879.

1. That in regard to the doctrine of redemption as taught in the Standards, and in consistency therewith, the love of God to all mankind, His gift of His Son to be the propitiation for the sins of the whole world, and the free offer of salvation to men without distinction on the ground of Christ's perfect sacrifice, are matters which have been and continue to be regarded by this Church as vital in the system of Gospel truth, and to which due prominence ought ever to be given.
2. That the doctrine of the divine decrees, including the doctrine of election to eternal life, is held in connection and harmony with the truth that God is not willing that any should perish, but that all should come to repentance, and that He has provided a salvation sufficient for all, adapted to all, and offered to all in the Gospel; and also with the responsibility of every man for his dealing with the free and unrestricted offer of eternal life.
3. That the doctrine of man's total depravity, and of his loss of "all ability of will to any spiritual good accompanying salvation," is not held as implying such a condition of man's nature as would affect his responsibility under the law of God and the Gospel of Christ, or that he does not experience the strivings and restraining influences of the Spirit of God, or that he cannot perform actions in any sense good; although actions which do not spring from a renewed heart are not spiritually good or holy—such as accompany salvation.
4. That while none are saved except through the mediation of Christ, and by the grace of His Holy Spirit, who worketh when, and where, and how it pleaseth Him; while the duty of sending the Gospel to the heathen, who are sunk in ignorance, sin, and misery, is clear and imperative; and while the outward and ordinary means of salvation for those capable of being called by the Word are the ordinances of the Gospel: in accepting the Standards, it is not required to be held that any who die in infancy are lost, or that God may not extend His grace to any who are without the pale of ordinary means, as it may seem good in His sight.

Appendix III.

Declaratory Act, 1879.

5. That in regard to the doctrine of the Civil Magistrate, and his authority and duty in the sphere of religion, as taught in the Standards, this Church holds that the Lord Jesus Christ is the only King and Head of the Church, and "Head over all things to the Church which is His body"; disapproves of all compulsory or persecuting and intolerant principles in religion; and declares, as hitherto, that she does not require approval of anything in her Standards that teaches, or may be supposed to teach, such principles.

6. That Christ has laid it as a permanent and universal obligation upon His Church, at once to maintain her own ordinances, and to "preach the Gospel to every creature"; and has ordained that His people provide by their free-will offerings for the fulfilment of this obligation.

7. That, in accordance with the practice hitherto observed in this Church, liberty of opinion is allowed on such points in the Standards, not entering into the substance of the faith, as the interpretation of the "six days" in the Mosaic account of the creation: the Church guarding against the abuse of this liberty to the injury of its unity and peace.

5. Declaratory Act of the General Assembly, 1892.—Anent the Confession of Faith.

Declaratory Act, 1892.

Whereas it is expedient to remove difficulties and scruples which have been felt by some in reference to the declaration of belief required from persons who receive licence or are admitted to office in this Church, the General Assembly, with consent of Presbyteries, declare as follows:—

That, in holding and teaching, according to the Confession, the Divine purpose of grace towards those who are saved, and the execution of that purpose in time, this Church most earnestly proclaims, as standing in the forefront of the revelation of Grace, the love of God, Father, Son, and Holy Spirit, to sinners of mankind, manifested especially in the Father's gift of the Son to be the Saviour of the world, in the coming of the Son to offer Himself a propitiation for sin, and in the striving of the Holy Spirit with men to bring them to repentance.

That this Church also holds that all who hear the Gospel are warranted and required to believe to the saving of their souls; and that in the case of such as do not believe, but perish in their sins, the issue is due to their own rejection of the Gospel call. That this Church does not teach, and does not regard the Confession as teaching, the fore-ordination of men to death irrespective of their own sin.

That it is the duty of those who believe, and one end of their calling by God, to make known the Gospel to all men everywhere for the obedience of faith. And that while the Gospel is the ordinary means of salvation for those to whom it is made known, yet it does not follow, nor is the Confession to be held as teaching, that any who die in infancy are lost, or that God may not extend His mercy, for Christ's sake, and by His Holy Spirit, to those who are beyond the reach of these means, as it may seem good to Him, according to the riches of His grace.

That, in holding and teaching, according to the Confession of Faith, the corruption of man's whole nature as fallen, this Church also maintains that there remain tokens of his greatness as created in the image of God; that he possesses a knowledge of God and of duty; that he is responsible for compliance with the moral law and with the Gospel; and that, although unable without the aid of the Holy Spirit to return to God, he is yet capable of affections and actions which in themselves are virtuous and praiseworthy.

That this Church disclaims intolerant or persecuting principles, and does not consider her office-bearers, in subscribing the Confession, committed to any principles inconsistent with liberty of conscience and the right of private judgment. Declaratory Act, 1892.

That while diversity of opinion is recognised in this Church on such points in the Confession as do not enter into the substance of the Reformed Faith therein set forth, the Church retains full authority to determine, in any case which may arise, what points fall within this description, and thus to guard against any abuse of this liberty to the detriment of sound doctrine, or to the injury of her unity and peace.

6. Act IX. 1894.—Anent Declaratory Act 1892 on Confession of Faith.

The General Assembly enact and declare as follows:—

Whereas the Declaratory Act 1892 was passed to remove difficulties and scruples which had been felt by some in reference to the declaration of belief required from persons who receive license, or are admitted to office in this Church, the Assembly hereby declare that the statements of doctrine contained in the said Act are not thereby imposed upon any of the Church's office-bearers as part of the Standards of the Church; but that those who are licensed or ordained to office in this Church, in answering the questions and subscribing the Formula, are entitled to do so in view of the said Declaratory Act. Declaratory Act, 1894.

III. Documents referred to in Preamble to Questions and Formula.

1. Claim, Declaration, and Protest anent the Encroachments of the Court of Session.

(Act XIX. 1842.)

The General Assembly of the Church of Scotland, taking into consideration the solemn circumstances in which, in the inscrutable providence of God, this Church is now placed; and that, notwithstanding the securities for the Government thereof by General Assemblies, Synods, Presbyteries, and Kirk-Sessions, and for the liberties, government, jurisdiction, discipline, rights, and privileges of the same, provided by the statutes of the realm, by the constitution of this country, as unalterably settled by the Treaty of Union, and by the oath, "inviolably to maintain and preserve" the same, required to be taken by each Sovereign at accession, as a condition precedent to the exercise of the royal authority;—which securities might well seem, and had long been thought, to place the said liberties, government, jurisdiction, discipline, rights, and privileges, of this Church, beyond the reach of danger or invasion;—these have been of late assailed by the very Court to which the Church was authorised to look for assistance and protection, to an extent that threatens their entire subversion, with all the grievous calamities to this Church and nation which would inevitably flow therefrom;—did and hereby do solemnly, and in reliance on the grace and power of the Most High, resolve and agree on the following Claim, Declaration, and Protest: That is to say:— Claim, Declaration, and Protest, 1842.

Whereas it is an essential doctrine of this Church, and a fundamental principle in its constitution, as set forth in the Confession of Faith thereof, in accordance with the Word and law of the most holy God, that "there is no other Head of the Church but the Lord Jesus Christ"

(ch. xxv. sec. 6); and that, while "God, the supreme Lord and King of all the world, hath ordained civil magistrates to be under him over the people, for his own glory, and the public good, and to this end hath armed them with the power of the sword" (ch. xxiii. sec. 1); and while "it is the duty of people to pray for magistrates, to honour their persons, to pay them tribute and other dues, to obey their lawful commands, and to be subject to their authority for conscience' sake," "from which ecclesiastical persons are not exempted" (ch. xxiii. sec. 4); and while the magistrate hath authority, and it is his duty, in the exercise of that power which alone is committed to him, namely, "the power of the sword," or civil rule, as distinct from the "power of the keys," or spiritual authority, expressly denied to him, to take order for the preservation of purity, peace, and unity in the Church, yet "The Lord Jesus, as King and Head of his Church, hath therein appointed a government in the hand of Church officers distinct from the civil magistrate" (ch. xxx. sec. 1); which government is ministerial, not lordly, and to be exercised in consonance with the laws of Christ, and with the liberties of his people:

AND WHEREAS, according to the said Confession, and to the other standards of the Church, and agreeably to the Word of God, this government of the Church, thus appointed by the Lord Jesus, in the hand of Church officers, distinct from the civil magistrate or supreme power of the State, and flowing directly from the Head of the Church to the office-bearers thereof, to the exclusion of the civil magistrate, comprehends, as the objects of it, the preaching of the Word, administration of the Sacraments, correction of manners, the admission of the office-bearers of the Church to their offices, their suspension and deprivation therefrom, the infliction and removal of Church censures, and, generally, the whole "power of the keys," which, by the said Confession, is declared, in conformity with Scripture, to have been "committed" (ch. xxx. sec. 2) to Church officers, and which, as well as the preaching of the Word and the administration of the Sacraments, it is likewise thereby declared, that "the civil magistrate may not assume to himself" (ch. xxiii. sec. 3):

AND WHEREAS this jurisdiction and government, since it regards only spiritual condition, rights, and privileges, doth not interfere with the jurisdiction of secular tribunals, whose determinations as to all temporalities conferred by the State upon the Church, and as to all civil consequences attached by law to the decisions of Church Courts in matters spiritual, this Church hath ever admitted, and doth admit, to be exclusive and ultimate, as she hath ever given and inculcated implicit obedience thereto:

AND WHEREAS the above-mentioned essential doctrine and fundamental principle in the constitution of the Church, and the government and exclusive jurisdiction flowing therefrom, founded on God's Word, and set forth in the Confession of Faith and other standards of this Church, have been, by diverse and repeated Acts of Parliament, recognised, ratified and confirmed;—inasmuch as,—

First, The said Confession itself, containing the doctrine and principles above set forth, was "ratified and established, and voted and approven as the public and avowed Confession of this Church," by the fifth Act of the second session of the first Parliament of King William and Queen Mary, entituled, "Act ratifying the Confession of Faith, and Settling Presbyterian Church Government" (1690, c. 5): to which Act the said Confession is annexed, and with it incorporated in the statute law of this kingdom.

Second, By an Act passed in the first Parliament of King James VI., entituled, "Of admission of ministers: of laic patronages" (1567, c. 7), it is enacted and declared, "That the examination

and admission of ministers within this realm be only in the power of the Kirk, now openly and publicly professed within the same;" and while the "presentation of laic patronages" was thereby "reserved to the just and ancient patrons," it was provided, that, if the presentee of a patron should be refused to be admitted by the inferior ecclesiastical authorities, it should be lawful for the patron "to appeal to the General Assembly of the whole realm, by whom the cause being decided, shall take end as they decern and declare."

Third, By an Act passed in the same first Parliament, and renewed in the sixth Parliament of the said King James VI., entituled, "Anent the jurisdiction of the Kirk" (1567, c. 12. *Fol. Edit.*), the said Kirk is declared to have jurisdiction "in the preaching of the true Word of Jesus Christ, correction of manners, and administration of the holy sacraments" (1579, c. 69); and it is further declared, "that there be *no other jurisdiction ecclesiastical* acknowledged within this realm, other than that *which is and shall be within the same Kirk, or that flows therefrom, concerning the premises;*" which Act, and that last before mentioned, were ratified and approven by another Act passed in the year 1581, entituled, "Ratification of the liberty of the true Kirk of God and religion, with confirmation of the laws and Acts made to that effect of before" (1581, c. 99); which other Act, and all the separate Acts therein recited, were again revived, ratified, and confirmed by an Act of the twelfth Parliament of the said King James VI., entituled, "Ratification of the liberty of the true Kirk," etc. (1592, c. 116); which said Act (having been repealed in 1662) was revived, renewed, and confirmed by the before-mentioned statute of King William and Queen Mary (1690, c. 5).

Fourth, The said Act of the twelfth Parliament of King James VI., ratified and approved the General Assemblies, Provincial Synods, Presbyteries, and Kirk-Sessions "appointed by the Kirk" (1592, c. 116), and "the whole jurisdiction and discipline of the same Kirk;" cassed and annulled "all and whatsoever acts, laws, and statutes, made at any time before the day and date thereof, against the liberty of the true Kirk, jurisdiction and discipline thereof, as the same is used and exercised within this realm;" appointed presentations to benefices to be directed to Presbyteries, "with full power to give collation thereupon, and to put order to all matters and causes ecclesiastical within their bounds, according to the discipline of the Kirk, providing the foresaid Presbyteries be bound and astricted to receive and admit whatsoever qualified minister, presented by his Majesty or laic patrons" (the effect of which proviso and of the reservation in the Act of the first Parliament of King James VI., above mentioned (1567, c. 7), is hereinafter more fully adverted to); and further declared that the jurisdiction of the Sovereign and his Courts, as set forth in a previous Act (1584, c. 129), to extend over all persons his subjects, and "in all matters," should "noways be prejudicial nor derogate anything to the privilege that *God has given* to the spiritual office-bearers of the Kirk, concerning *heads of religion, matters of heresy, excommunication, collation, or deprivation of ministers, or any such like essential censures*, grounded and having warrant of the Word of God;" by which enactment, declaration, and acknowledgment, the State recognised and established as a fundamental principle of the constitution of the kingdom, that the jurisdiction of the Church in these matters was "given by God" to the office-bearers thereof, and was exclusive, and free from coercion by any tribunals holding power or authority from the State or supreme civil magistrate.

Fifth, The Parliament holden by King Charles II. (1662, c. 1), immediately on his restoration to the throne, while it repealed the above recited Act of the twelfth Parliament of King James, and other relative Acts (1592, c. 116), at the same time acknowledged the supreme and exclusive nature of the jurisdiction thereby recognised to be in the Church, describing the said Acts, as Acts "by which the *sole and only* power and jurisdiction within this Church *doth stand in the Church*, and in the general, provincial, and presbyterial assemblies and kirk-sessions," and as Acts "which may be interpreted to have given any Church power, jurisdiction, or government to the office-bearers of the Church, their respective meetings, other than that which acknowledgeth a dependence upon, and subordination to, the sovereign power of the King, as supreme."

Sixth, The aforesaid Act of King William and Queen Mary (1690, c. 5), —on the narrative that their Majesties and the estates of Parliament conceived "it to be their bounden duty, after the great deliverance that God hath lately wrought for this Church and kingdom, *in the first place*, to settle and secure therein the true Protestant religion, according to the truth of God's Word, as it hath of a long time been professed within this land; as also, the government of Christ's Church within this nation, agreeable to the Word of God, and most conducive to true piety and godliness, and the establishing of peace and tranquillity within this realm," —besides ratifying and establishing as aforesaid the Confession of Faith did also "establish, ratify, and confirm the Presbyterian Church government and discipline; that is to say, *the government of the Church by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies*, ratified and established by the 116 Act of James VI., Parliament 12, anno 1592, entituled, 'Ratification of the liberty of the true Kirk,' etc. (1592, c. 116), and thereafter received by the general consent of this nation, *to be the only government of Christ's Church within this kingdom;*" and revived and confirmed the said Act of King James VI.

AND WHEREAS, not only was the exclusive and ultimate jurisdiction of the Church Courts, in the government of the Church, and especially in the particular matters, spiritual and ecclesiastical, above mentioned, recognised, ratified and confirmed—thus necessarily implying the denial of power on the part of any secular tribunal, holding its authority from the Sovereign, to review the sentence of the Church Courts in regard to such matters, or coerce them in the exercise of such jurisdiction;—but all such power, and all claim on the part of the Sovereign to be considered supreme governor over the subjects of this kingdom of Scotland in causes *ecclesiastical and spiritual*, as he is in causes *civil and temporal*, was after a long-continued struggle, finally and *expressly repudiated and cast out of the constitution* of Scotland, *as inconsistent with the Presbyterian Church government* established at the Revolution, and thereafter unalterably secured by the Treaty of Union with England; by the constitution of which latter kingdom, differing in this respect from that of Scotland, the Sovereign is recognised to be supreme governor, "*as well* in all *spiritual and ecclesiastical* things and causes as *temporal*:" Thus:—

First, The General Assembly having, in the year 1582, proceeded to inflict the censures of the Church upon Robert Montgomery, minister of Stirling, for seeking to force himself, under a presentation from the King, into the archbishopric of Glasgow, contrary to an act of the General Assembly discharging the office of Prelatic bishop in the Church, and for appealing to the secular tribunals against the infliction of Church censures by the Church Courts, and seeking to have these suspended and interdicted—and having

deposed and excommunicated him, notwithstanding of an interdict pronounced by the Privy Council of Scotland, the then supreme secular court of the kingdom—and having at the same time declared it to be part of the subsisting discipline of the Church, that any ministers thereof who "should seek any way by the civil power to exempt and withdraw themselves from the jurisdiction of the Kirk, or procure, obtain, or use any letters or charges, etc., to impair, hurt, or stay the said jurisdiction, discipline, etc., or to make any appellation from the General Assembly to stop the discipline or order of the ecclesiastical policy or jurisdiction granted by God's Word to the office-bearers within the said Kirk," were liable to the highest censures of the Church; although their sentence of excommunication was declared by one of the Acts of Parliament of the year 1584, commonly called the "Black Acts," to be void, yet ultimately the King and Privy Council abandoned their interference. Montgomery submitted to the Church Courts, and the statute of the twelfth Parliament of King James VI., already mentioned (1592, c. 116), cassed and annulled "all and whatsoever acts, laws, and statutes made at any time before the day and date thereof, against the liberty of the true Kirk, jurisdiction and discipline thereof, *as the same is used and exercised within this realm;*" since which enactment, no similar interference with the discipline and censures of the Church was ever attempted till the year 1841.

Second, It having been declared by another of the "Black Acts" aforesaid (1584, c. 129), entituled, "An Act confirming the King's Majesty's royal power over all the estates and subjects within this realm," that "his Highness, his heirs and successors, by themselves and their councils, are, and in time to come shall be, judges competent to all persons his Highness' subjects, of whatsoever estate, degree, function, or condition that ever they be of, spiritual or temporal, *in all matters* wherein they or any of them, shall be apprehended, summoned, or charged to answer to such things as shall be inquired of them by our sovereign lord and his council," it was, by the said before-mentioned Act of the twelfth Parliament of King James VI. (1592, c. 116), declared that the said Act last above mentioned "shall noways be prejudicial, nor derogate anything to the privilege that God has given to the spiritual office-bearers of the Kirk, concerning heads of religion, matters of heresy, excommunication, collation, or deprivation of ministers, or any such like essential censures, specially grounded and having warrant of the Word of God."

Third, It having been enacted, on the establishment of Prelacy in 1612 (1612, c. 1), that every minister, at his admission, should swear obedience to the Sovereign as "the only lawful supreme governor of this realm, as well in matters spiritual and ecclesiastical as in things temporal," the enactment to this effect was repealed on the restoration of Presbyterian Church government (1640, c. 7).

Fourth, A like acknowledgment, that the Sovereign was "the only supreme governor of this kingdom over all persons *and in all causes*" (1661, c. 11), having been, on the second establishment of Prelacy consequent on the restoration of King Charles II., required as part of the ordinary oath of allegiance, and having been also inserted into the "Test Oath" (1681, c. 6), so tyrannically attempted to be forced on the subjects of this realm during the reigns of Charles II. and James II., and the same doctrine of the King's supremacy in all causes, spiritual and ecclesiastical, as well as temporal and civil, having farther been separately and specially declared by the first Act of the second Parliament of

the said King Charles II. (1669, c. 1), entituled, "Act asserting his Majesty's supremacy over all persons and in all causes ecclesiastical," whereby it was "enacted, asserted, and declared, that his Majesty hath the supreme authority and supremacy over all persons, and in all causes ecclesiastical, within this kingdom" (Estates, 1689, c. 18),—the Estates of this kingdom, at the era of the Revolution, did set forth, as the second article of the "Grievances" of which they demanded redress under their "Claim of Right," "That the first Act of Parliament 1669 is inconsistent with the establishment of Church government now desired, and ought to be abrogated."

Fifth, In compliance with this claim, an Act was immediately thereafter passed (1690, c. 1), of which the tenor follows:—"Our Sovereign Lord and Lady the King and Queen's Majesties, taking into their consideration that, by the second article of the Grievances presented to their Majesties by the estates of this kingdom, it is declared, that the first Act of the second Parliament of King Charles the Second, entituled, 'Act asserting his Majesty's supremacy over all persons and in all causes ecclesiastical,' is inconsistent with the establishment of the Church government now desired, and ought to be abrogated: Therefore their Majesties, with advice and consent of the estates of Parliament, do hereby abrogate, rescind, and annul the foresaid Act, and declares the same, in the whole heads, articles, and clauses thereof, to be of no force or effect in all time coming." In accordance also therewith, the oath of allegiance above mentioned, requiring an acknowledgment of the King's sovereignty "in *all* causes" (1689, c. 2), was done away, and that substituted which is now in use, simply requiring a promise to be "faithful, and bear true allegiance" to the sovereign; and all preceding laws and Acts of Parliament were rescinded, "in so far as they impose any other oaths of allegiance and supremacy, declarations and tests, excepting the oath *de fideli*." By the which enactments any claim on the part of the Sovereigns of Scotland to be supreme rulers in spiritual and ecclesiastical, as well as in temporal and civil causes, or to possess any power, by themselves or their judges holding commission from them, to exercise jurisdiction in matters or causes spiritual and ecclesiastical, was repudiated and excluded from the constitution, as inconsistent with the Presbyterian Church government then established, and secured under the statutes then and subsequently passed, "to continue, without any alteration, to the people of this land, in all succeeding generations" (1706, c. 6).

AND WHEREAS, diverse civil rights and privileges were, by various statutes of the Parliament of Scotland, prior to the Union with England, secured to this Church, and certain civil consequences attached to the sentences of the Courts thereof, which were farther directed to be aided and made effectual by all magistrates, judges, and officers of the law; and in particular:—

It was by an Act of the twelfth Parliament of King James VI. (1592. c. 117), enacted, "That all and whatsoever sentences of deprivation, either pronounced already, or that happens to be pronounced hereafter by the Presbytery, Synodal or General Assemblies, against any parson or vicar within their jurisdiction, provided since his Highness's coronation, is, and shall be repute in all judgments, a just cause to seclude the person before provided, and then deprived, from all profits, commodities, rents, and duties of the said parsonage and vicarage, or benefice of cure; and that either by way of action, exception, or reply; and that the said

sentence of deprivation shall be a sufficient cause to make the said benefice to vaike thereby:"

As also, by the fifth Act of the first Parliament of King William and Queen Mary (1690, c. 5), it was enacted, "that whatsoever minister, being convened before the said general meeting, and representatives of the Presbyterian ministers or elders, or the visitors to be appointed by them, shall either prove contumacious for not appearing, or be found guilty, and shall be therefor censured, whether by suspension or deposition, they shall *ipso facto*, be suspended from or deprived of their stipends and benefices:"

As also, by an Act passed in the fourth session of the first Parliament of King William and Queen Mary (1693, c. 22), entituled an "Act for settling the peace and quiet of the Church," it was provided, that no minister should be admitted, unless he owned the Presbyterian Church government, as settled by the last recited Act, "to be the only government of this Church;" "and that he will submit thereto, and concur therewith, and never endeavour, directly or indirectly, the prejudice or subversion thereof;" and it was statute or ordained, "that the lords of their Majesties' Privy Council, and all other magistrates, judges, and officers of justice, give all due assistance for making the sentences and censures of the Church, and judicatories thereof, to be obeyed, or otherwise effectual as accords:"

As also, by an Act passed in the fifth session of the foresaid Parliament (1695, c. 22), entituled an "Act against intruding into churches without a legal call and admission thereto," on the narrative, "that ministers and preachers, their intruding themselves into vacant churches, possessing of manses and benefices, and exercising any part of the ministerial function in parishes, without a legal call and admission to the said churches, is an high contempt of the law, and of a dangerous consequence, tending to perpetual schism;" such intrusion, without an orderly call from the heritors and elders—the right of presentation by patrons being at this time abolished—and "legal admission from the Presbytery," was prohibited under certain penalties; and the Lords of the Privy Council were recommended to remove all who had so intruded, and "to take some effectual course for stopping and hindering those ministers who are, or shall be hereafter deposed by the judicatories of the present Established Church, from preaching or exercising any act of their ministerial function, which" (the said statute declares) "they cannot do after they are deposed, without a high contempt of the authority of the Church, and of the laws of the kingdom establishing the same."

And whereas, at the Union between the two kingdoms, the Parliament of Scotland, being determined that the "true Protestant religion," as then professed, "with the worship, discipline, and government of this Church, should be effectually and unalterably secured," did, in their Act appointing commissioners to treat with commissioners from the Parliament of England (1705, c. 4), as to an union of the kingdoms, provide "That the said commissioners shall *not* treat of or concerning any alteration of the worship, discipline, and government of the Church of this kingdom, as now by law established;" and did, by another Act, commonly called the Act of Security (1706, c. 6), and entituled, "Act for securing the Protestant religion and Presbyterian Church government," establish and confirm the said true Protestant religion, and the worship, discipline, and government of this Church, to continue without any alteration to the people of this land in all succeeding generations;" and did "for ever confirm the fifth Act of the first Parliament of King

William and Queen Mary" (1690, c. 5), entituled, "Act ratifying the Confession of Faith, and settling Presbyterian Church government, *and the whole other Acts of Parliament relating thereto;*" and did "expressly provide and declare, That the foresaid true Protestant religion, contained in the above-mentioned Confession of Faith, with the form and purity of worship presently in use within this Church, and its Presbyterian Church government and discipline,—that is to say, the government of the Church by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies, all established by the foresaid Acts of Parliament, pursuant to the Claim of Right, shall remain and continue unalterable; and that the said Presbyterian government shall be the only government of the Church within the kingdom of Scotland:" And farther, "for the greater security of the same," did, *inter alia*, enact, "That, after the decease of her present Majesty, the sovereign succeeding to her in the royal government of the kingdom of Great Britain, shall in all time coming, at his or her accession to the crown, swear and subscribe, That they shall inviolably maintain and preserve the foresaid settlement of the true Protestant religion, with the government, worship, discipline, rights, and privileges of this Church as above established by the laws of this kingdom, in prosecution of the Claim of Right;" which said Act of Security, "with the establishment therein contained," it was specially thereby enacted, "should be held and observed in all time coming as a fundamental and essential condition of any treaty or union to be concluded betwixt the two kingdoms, *without any alteration thereof, or derogation thereto, in any sort, for ever:*" It being farther thereby provided, that "the said Act and settlement therein contained shall be insert and repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid treaty of union betwixt the two kingdoms; and that the same shall be therein expressly declared to be a fundamental and essential condition of the said treaty of union in all time coming." In terms of which enactment, this Act of Security was inserted in the Treaty of Union between the two kingdoms, as a fundamental condition thereof, and was also inserted in the Act (1706, c. 7) of the Parliament of Scotland ratifying and approving of the said Treaty, and likewise in the corresponding Act of the Parliament of England, entituled, "An Act (5 Anne, c. 8) for a Union of the two kingdoms of England and Scotland:"

AND WHEREAS, at the date of the said Treaty of Union, the right of patrons to present to churches stood abolished by statute, after the following manner, viz., By the Act of King William and Queen Mary (1690, c. 5), herein before mentioned, the Act of James VI. (1592, c. 116), also herein before mentioned, then standing totally repealed, was only revived, subject to the express exception of "that part of it relating to patronages," which consequently remained repealed and unrestored, and "which," the Act 1690, c. 5, farther bore, "is hereafter to be taken into consideration." The part of the said Act thus left repealed and unrevived, was the provision, that Presbyteries "be bound and astricted to receive whatsoever qualified minister presented by his Majesty or laic patrons,"—a provision which, while it subsisted, was held to leave the Church free to proceed in the collation of ministers, "according to the discipline of the Kirk;" and non-compliance with which implied only a forfeiture of the fruits of the particular benefice, which it did by virtue of the immediately succeeding statute 1592, c. 117, whereby it was enacted, that, "in case the Presbytery *refuses* to admit any *qualified* minister presented to them by the patron, it shall be lawful to the patron to retain the whole fruits of the benefice in his own hands." This subject having accordingly been thereafter taken into consideration in the same session of Parliament, was definitely settled by an Act (1690, c. 23), entituled, "Act concerning Patronages," whereby the right of presentation by patrons was "annulled and made void," and a

right was vested in the heritors and elders of the respective parishes "to *name* and *propose* the person to the whole congregation, to be approven or disapproven by them," the disapprovers giving in their reasons, "to the effect the affair may be cognosced upon by the Presbytery of the bounds, at whose judgment, and by whose determination" (as is declared by the said Act), "*the calling and entry* of a particular minister is to be ordered and concluded:" Claim, Declaration, and Protest 1842.

AND WHEREAS the said Act last mentioned formed part of the settlement of the Presbyterian Church government effected at the Revolution, and was one of the "Acts relating thereto," and to the statute 1690 (c. 5), specially confirmed and secured by the Act of Security and Treaty of Union; yet, notwithstanding thereof, and of the said Treaty, the Parliament of Great Britain, by an Act passed in the 10th of Queen Anne (10 Anne, c. 12), repealed the said Act, "in so far as relates to the presentation of ministers by heritors and others therein mentioned," and restored to patrons the right of presentation, and enacted that Presbyteries should be "obliged to receive and admit in the same manner, such qualified person or persons, minister or ministers, as shall be presented by the respective patrons, as the persons or ministers presented before the making of this Act ought to have been admitted:"

AND WHEREAS, while this Church protested against the passing of the above-mentioned Act of Queen Anne, as "contrary to the constitution of the Church, so well secured by the late Treaty of Union, and solemnly ratified by Acts of Parliament in both kingdoms," and for more than seventy years thereafter uninterruptedly sought for its repeal, she at the same time maintained, and practically exercised, without question or challenge from any quarter, the jurisdiction of her Courts to determine ultimately and exclusively, under what circumstances they would admit candidates into the office of the holy ministry, or constitute the pastoral relationship between minister and people, and generally "to order and conclude the entry of particular ministers:"

AND WHEREAS, in particular, this Church required, as necessary to the admission of a minister to the charge of souls, that he should have received a call from the people over whom he was to be appointed, and did not authorise or permit any one so to be admitted till such call had been sustained by the Church Courts, and did, before and subsequent to the passing of the said Act of Queen Anne, declare it to be a fundamental principle of the Church, as set forth in her authorised standards, and particularly in the Second Book of Discipline (ch. iii. sec. 5), repeated by Act of Assembly in 1638, that no pastor be intruded upon any congregation contrary to the will of the people:

AND WHEREAS, in especial, this fundamental principle was, by the 14th Act of the General Assembly 1736 (c. 14), re-declared, and directed to be attended to in the settlement of vacant parishes, but having been, after some time, disregarded in the administration of the Church, it was once more re-declared by the General Assembly 1834 (c. 9), who established certain specific provisions and regulations for carrying it into effect in time to come:

AND WHEREAS, by a judgment pronounced by the House of Lords, in 1839,[1] it was, for the first time, declared to be illegal to refuse to take on trial, and to reject the presentee of a patron (although a layman, and merely a candidate for admission to the office of the ministry), in consideration of this fundamental principle of the Church, and in respect of the dissent of the congregation; to the authority of which judgment, so far as disposing of civil interests, this Church implicitly bowed, by at once abandoning all claim to the *jus devolutum*,—to the benefice, for any pastor to be settled by her,—and to all other civil right or privilege which might otherwise have been competent to the Church or her

[1] Auchterarder Case, 1839.

Courts; and anxiously desirous, at the same time, of avoiding collision with the Civil Courts, she so far suspended the operation of the above-mentioned Act of Assembly, as to direct all cases, in which dissents should be lodged by a majority of the congregation, to be reported to the General Assembly, in the hope that a way might be opened up to her for reconciling with the civil rights declared by the House of Lords, adherence to the above-mentioned fundamental principle, which she could not violate or abandon, by admitting to the holy office of the ministry a party not having, in her conscientious judgment, a legitimate call thereto, or by intruding a pastor on a reclaiming congregation contrary to their will; and farther, addressed herself to the Government and the Legislature for such an alteration of the law (as for the first time now interpreted), touching the temporalities belonging to the Church (which alone she held the decision of the House of Lords to be capable of affecting or regulating), as might prevent a separation between the cure of souls and the benefice thereto attached:

AND WHEREAS, although during the century which elapsed after the passing of the said Act of Queen Anne, Presbyteries repeatedly rejected the presentees of patrons on grounds undoubtedly *ultra vires* of the Presbyteries, as having reference to the title of the patron or the validity of competing presentations, and which were held by the Court of Session to be contrary to law, and admitted others to the pastoral office in the parishes presented to, who had no presentation or legal title to the benefice, the said Court, even in such cases, never attempted or pretended to direct or coerce the Church Courts, in the exercise of their functions in regard to the collation of ministers, or other matters acknowledged by the State to have been conferred on the Church, not by the State, but by God himself. On the contrary, they limited these decrees to the regulation and disposal of the temporalities which were derived from the State, and which as the proper subjects of "actions civil," were within the province assigned to the Court of Session by the Constitution, refusing to interfere with the peculiar functions and exclusive jurisdiction of the Courts of the Church. Thus,—

In the case of Auchtermuchty,[1] where the Presbytery had wrongfully admitted another than the patron's presentee, the Court found "That *the right to a stipend* is a civil right; and *therefore* that the Court have power to cognosce and determine upon the legality of the admission of ministers *in hunc effectum*, whether the *person admitted* shall have right to the *stipend* or not; and simply decided, that the patron was entitled to retain the stipend in his own hands.

So also, the same course was followed in the cases of Culross, Lanark, and Forbes;[2] in reference to one of which (that of Lanark), the Government of the country, on behalf of the Crown, in which the patronage was vested, recognised the retention of stipend by the patron, as the only competent remedy for a wrongful refusal to admit his presentee; the Secretary of State having, in a letter to the Lord Advocate of Scotland (January 17, 1752), signified the pleasure of his Majesty, "directing and ordering his lordship to do everything necessary and competent by law, for asserting and taking benefit in the present case of the said right and privilege of patrons by the law of Scotland to retain the fruits of the benefice in their own hands till their presentee be admitted."

So farther, in the before-mentioned case of Culross,[3] the Court refused, "as incompetent," a bill of advocation presented to them by the

[1] Moncrieff *v.* Maxton, Feb. 15, 1735.
[2] Cochrane *v.* Stoddart, June 26, 1751. Dick *v.* Carmichael, March 2, 1753. Forbes *v.* M'William, February 1762.
[3] Cochrane, November 19, 1748.

patron, for the purpose of staying the admission by the Presbytery of another than his presentee.

So likewise, in the case of Dunse,[1] the Court would not interfere in regard to a conclusion to prohibit the Presbytery "to moderate in a call at large, or settle any other man," because "that was interfering with the power of ordination, or internal policy of the Church, with which the Lords thought they had nothing to do."

And so, in the same manner, in the case of Unst,[2] where the party concluded to have the Presbytery ordained to proceed to the presentee's settlement as well as to have the validity of the presentation and the right to the stipend declared, the Court limited their decree to the civil matters of the presentation and stipend.

AND WHEREAS, pending the efforts of the Church to accomplish the desired alteration of the law, the Court of Session,—a tribunal instituted by special Act of Parliament for the specific and limited purpose of 'doing and administration of justice in all *civil actions*" (1537 c. 36), with judges appointed simply "to sit and decide upon all *actions civil*" (1532 c. 1),—not confining themselves to the determination of "civil actions,"—to the withholding of civil consequences from sentences of the Church Courts, which in their judgment, were not warranted by the statutes recognising the jurisdiction of these Courts,—to the enforcing of the provision of the Act 1592 c. 117, for retention of the fruits of the benefice in case of wrongful refusal to admit a presentee, or the giving of other civil redress for any civil injury held by them to have been wrongfully sustained in consequence thereof,—have in numerous and repeated instances, stepped beyond the province allotted to them by the Constitution, and within which alone their decisions can be held to declare the law, or to have the force of law, deciding not only "actions civil," but "causes spiritual and ecclesiastical,"—and that, too, even where these had no connection with the exercise of the right of patronage,—and have invaded the jurisdiction, and encroached upon the spiritual privileges of the Courts of this Church, in violation of the constitution of the country—in defiance of the statutes above mentioned, and in contempt of the laws of this kingdom: as for instance—

By interdicting Presbyteries of the Church from admitting to a pastoral charge,[3] when about to be done irrespective of the civil benefice attached thereto, or even where there was no benefice—no right of patronage—no stipend—no manse or glebe, and no place of worship, or any patrimonial right connected therewith.[4]

By issuing a decree,[5] requiring and ordaining a Church Court to take on trial and admit to the office of the holy ministry, in a particular charge, a probationer or unordained candidate for the ministry, and to intrude him also on the congregation, contrary to the will of the people;—both in this, and in the cases first mentioned, invading the Church's exclusive jurisdiction in the admission of ministers, the preaching of the Word, and administration of Sacraments—recognised by statute to have been "given by God" directly to the Church, and to be beyond the limits of the secular jurisdiction.

By prohibiting the communicants[6] of the Church from intimating their dissent from a call proposed to be given to a candidate for the ministry to become their pastor.

By granting interdict against the establishment of additional ministers to meet the wants of an increasing population,[7] as uninterruptedly practised from the Reformation to this day: against constituting

1 Hay *v.* Presbytery of Dunse, February 26, 1749.
2 Lord Dundas *v.* Presbytery of Shetland, May 15, 1795.
3 1st Lethendy Case. 4 Stewarton Case. 5 Marnoch Case.
6 Daviot Case. 7 Stewarton Case

a new kirk-session in a parish, to exercise discipline; and against innovating on its existing state, "as regards pastoral superintendence, its kirk-session, and jurisdiction and discipline thereto belonging."

By interdicting the preaching of the gospel, and administration of ordinances,[1] throughout a whole district, by any minister of the Church under authority of the Church Courts; thus assuming to themselves the regulation of the "preaching of the Word" and "administration of the Sacraments," and at the same time invading the privilege, common to all the subjects of the realm, of having freedom to worship God according to their consciences, and under the guidance of the ministers of the communion to which they belong.

By holding the members of inferior Church judicatories liable in damages[2] for refusing to break their ordination vows and oaths (sworn by them, in compliance with the requirements of the statutes of the realm, and, in particular, of the Act of Security embodied in the Treaty of Union), by disobeying and setting at defiance the sentences, in matters spiritual and ecclesiastical, of their superior Church judicatories, to which, by the constitution of the Church and country, they are, in such matters, subordinate and subject, and which by their said vows and oaths, they stand pledged to obey.

By interdicting the execution of the sentence of a Church judicatory, prohibiting a minister from preaching or administering ordinances within a particular parish,[3] pending the discussion of a cause in the Church Courts as to the validity of his settlement therein.

By interdicting the General Assembly and inferior Church judicatories from inflicting Church censures; as in one case where interdict was granted against the pronouncing of sentence of deposition upon a minister found guilty of theft, by a judgment acquiesced in by himself;[4] in another, where a Presbytery was interdicted from proceeding in the trial of a minister accused of fraud and swindling;[5] and in a third, where a Presbytery was interdicted from proceeding with a libel against a licentiate for drunkenness, obscenity, and profane swearing.[6]

By suspending Church censures,[7] inflicted by the Church judicatories in the exercise of discipline (which, by special statute, all "judges and officers of justice" are ordered "to give due assistance" for making "to be obeyed, or otherwise effectual"), and so reponing ministers suspended from their office, to the power of preaching and administering ordinances; thus assuming to themselves the "power of the keys."

By interdicting the execution of a sentence of deposition from the office of the holy ministry, pronounced by the General Assembly of the Church;[8] thereby also usurping the "power of the keys," and supporting deposed ministers in the exercise of ministerial functions; which is declared by special statute to be a "high contempt of the authority of the Church, and of the laws of the kingdom establishing the same."

By assuming to judge of the right of individuals elected members of the General Assembly to sit therein,[9] and interdicting them from taking their seats; thus interfering with the constitution of the Supreme Court of the Church, and violating her freedom in the holding of General Assemblies, secured to her by statute.

By, in the greater number of instances above referred to, requiring the

1 Strathbogie Cases. 2 2nd Auchterarder Case. 3 Culsalmond Case.
4 Cambusnethan Case. 5 Stranraer Case. 6 4th Lethendy Case.
7 1st and 2nd Strathbogie Cases. 8 3rd Strathbogie Case. 9 5th Strathbogie Case.

inferior judicatories of the Church to disobey the sentences, in matters spiritual and ecclesiastical, of the superior judicatories, to which, by the constitution in Church and State, they are subordinate and subject, and which, in compliance with the provisions of the statutes of the realm, their members have solemnly sworn to obey;—thus subverting "the government of the Church by Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies," settled by statute and the Treaty of Union, as "the only government of the Church within the kingdom of Scotland."

By all which acts, the said Court of Session, apparently not adverting to the oath taken by the Sovereign, from whom they hold their commissions, have exercised powers not conferred upon them by the Constitution, but by it excluded from the province of any secular tribunal,—have invaded the jurisdiction of the Courts of the Church,—have subverted its government,—have illegally attempted to coerce Church Courts in the exercise of their purely spiritual functions,—have usurped the "power of the keys,"—have wrongfully acclaimed, as the subjects of their civil jurisdiction, to be regulated by their decrees, ordination of laymen to the office of the holy ministry, admission to the cure of souls, Church censures, the preaching of the Word, and the administration of the Sacraments,—and have employed the means intrusted to them for enforcing submission to their lawful authority, in compelling submission to that which they have usurped,—in opposition to the doctrines of God's Word set forth in the Confession of Faith, as ratified by statute,—in violation of the Constitution,—in breach of the Treaty of Union, and in disregard of divers express enactments of the Legislature:

AND WHEREAS farther encroachments are threatened on the government and discipline of the Church as by law established,[1] in actions now depending before the said Court, in which it is sought to have sentences of deposition from the office of the holy ministry reduced and set aside,[2] and minorities of inferior judicatories authorized to take on trial and admit to the office of the holy ministry, in disregard of, and in opposition to, the authority of the judicatories of which they are members, and of the superior judicatories to which they are subordinate and subject:

AND WHEREAS the government and discipline of Christ's Church cannot be carried on according to his laws and the constitution of his Church, subject to the exercise, by any secular tribunal, of such powers as have been assumed by the said Court of Session:

AND WHEREAS this Church, highly valuing, as she has ever done, her connection, on the terms contained in the statutes herein before recited, with the State, and her possession of the temporal benefits thereby secured to her for the advantage of the people, must, nevertheless, even at the risk and hazard of the loss of that connection and of these public benefits—deeply as she would deplore and deprecate such a result for herself and the nation—persevere in maintaining her liberties as a Church of Christ, and in carrying on the government thereof on her own constitutional principles, and must refuse to intrude ministers on her congregations, to obey the unlawful coercion attempted to be enforced against her in the exercise of her spiritual functions and jurisdiction, or to consent that her people be deprived of their rightful liberties:

THEREFORE, the General Assembly, while, as above set forth, they fully recognise the absolute jurisdiction of the Civil Courts in relation to all matters whatsoever of a civil nature, and especially in relation to all the temporalities conferred by the State upon the Church, and the civil consequences attached by law to the decisions, in matters spiritual,

[1] 4th Strathbogie Case. [2] 3rd Auchterarder Case. 3rd Lethendy Case.

Appendix III.

Claim, Declaration, and Protest, 1842.

of the Church Courts,—DO, in name and on behalf of this Church, and of the nation and people of Scotland, and under the sanction of the several statutes and the Treaty of Union herein before recited, CLAIM, as of RIGHT, That she shall freely possess and enjoy her liberties, government, discipline, rights, and privileges, according to law, especially for the defence of the spiritual liberties of her people, and that she shall be protected therein from the foresaid unconstitutional and illegal encroachments of the said Court of Session, and her people secured in their Christian and constitutional rights and liberties.

AND they DECLARE, that they cannot, in accordance with the Word of God, the authorised and ratified standards of this Church, and the dictates of their consciences, intrude ministers on reclaiming congregations, or carry on the government of Christ's Church, subject to the coercion attempted by the Court of Session as above set forth; and, that, at the risk and hazard of suffering the loss of the secular benefits conferred by the State, and the public advantages of an Establishment, they must, as by God's grace they will, refuse so to do: for, highly as they estimate these, they cannot put them in competition with the inalienable liberties of a Church of Christ, which, alike by their duty and allegiance to their Head and King, and by their ordination vows, they are bound to maintain, "notwithstanding of whatsoever trouble or persecution may arise."

AND they PROTEST, that all and whatsoever Acts of the Parliament of Great Britain, passed without the consent of this Church and nation, in alteration of or derogation to the aforesaid government, discipline, right, and privileges of this Church (which were not allowed to be treated of by the Commissioners for settling the terms of the union between the two kingdoms, but were secured by antecedent stipulation, provided to be inserted, and inserted in the Treaty of Union, as an unalterable and fundamental condition thereof, and so reserved from the cognisance and power of the federal Legislature created by the said Treaty), as also, all and whatsoever sentences of Courts in contravention of the same government, discipline, right, and privileges, are, and shall be, in themselves void and null, and of no legal force or effect; and that, while they will accord full submission to all such acts and sentences, in so far—though in so far only,—as these may regard civil rights and privileges, whatever may be their opinion of the justice or legality of the same, their said submission shall not be deemed an acquiescence therein, but that it shall be free to the members of this Church, or their successors, at any time hereafter, when there shall be a prospect of obtaining justice, to claim the restitution of all such civil rights and privileges, and temporal benefits and endowments, as for the present they may be compelled to yield up, in order to preserve to their office-bearers the free exercise of their spiritual government and discipline, and to their people the liberties, of which respectively it has been attempted, so contrary to law and justice, to deprive them.

AND, FINALLY, the General Assembly call the Christian people of this kingdom, and all the Churches of the Reformation throughout the world, who hold the great doctrine of the sole Headship of the Lord Jesus over his Church, to witness, that it is for their adherence to that doctrine, as set forth in their Confession of Faith, and ratified by the laws of this kingdom, and for the maintenance by them of the jurisdiction of the office-bearers, and the freedom and privileges of the members of the Church from that doctrine flowing, that this Church is subjected to hardship, and that the rights so sacredly pledged and secured to her are put in peril; and they especially invite all the office-bearers and members of this Church, who are willing to suffer for their allegiance to their adorable King and Head, to stand by the Church, and by each other, in defence of the doctrine aforesaid, and of the liberties and privileges, whether of office-bearers or people, which rest upon it; and to unite in supplication to Almighty God, that he would be pleased to turn the hearts of the

rulers of this kingdom, to keep unbroken the faith pledged to this Church, in former days, by statutes and solemn treaty, and the obligations, come under to God himself, to preserve and maintain the government and discipline of this Church in accordance with his Word; or otherwise, that he would give strength to this Church—office-bearers and people—to endure resignedly the loss of the temporal benefits of an Establishment, and the personal sufferings and sacrifices to which they may be called, and would also inspire them with zeal and energy to promote the advancement of his Son's kingdom, in whatever condition it may be his will to place them; and that, in his own good time, he would restore to them these benefits, the fruits of the struggles and sufferings of their fathers in times past in the same cause; and, thereafter, give them grace to employ them more effectually than hitherto they have done for the manifestation of his glory. Claim, Declaration, and Protest, 1842.

2. Protest by Commissioners to the General Assembly.

(Act I., *May* 1843.)

Protest by those Commissioners to the General Assembly appointed to meet on 18th May 1843, by whom this Assembly was constituted.

The Commissioners to the General Assembly of the Church of Scotland, appointed to have been holden this day, having met in St. Andrew's Church, the Ministers and Elders, Commissioners thereto, whose names are appended to the Protest then and there made, and hereinafter inserted, having withdrawn from that place, and having convened in a large Hall at Canonmills, in presence of a great concourse of Ministers, Elders, and People, and having duly constituted themselves in the name of the Head of the Church, and appointed the Rev. Dr. Chalmers to be their Moderator, the Protest above mentioned was produced and read, and thereafter ordered to be recorded as follows:— Protest, 1843.

We, the undersigned Ministers and Elders, chosen as Commissioners to the General Assembly of the Church of Scotland, indicted to meet this day, but precluded from holding the said Assembly by reason of the circumstances hereinafter set forth, in consequence of which a Free Assembly of the Church of Scotland, in accordance with the laws and constitution of the said Church, cannot at this time be holden,—

Considering that the Legislature, by their rejection of the Claim of Right adopted by the last General Assembly of the said Church, and their refusal to give redress and protection against the jurisdiction assumed, and the coercion of late repeatedly attempted to be exercised over the Courts of the Church in matters spiritual by the Civil Courts, have recognised and fixed the conditions of the Church Establishment, as henceforth to subsist in Scotland, to be such as these have been pronounced, and declared by the said Civil Courts in their several recent decisions, in regard to matters spiritual and ecclesiastical, whereby it has been held, *inter alia*,—

1*st*. That the Courts of the Church by law established, and members thereof, are liable to be coerced by the Civil Courts in the exercise of their spiritual functions; and in particular, in the admission to the office of the holy ministry, and the constitution of the pastoral relation, and that they are subject to be compelled to intrude ministers on reclaiming congregations in opposition to the fundamental principles of the Church, and their views of the Word of God, and to the liberties of Christ's people.

2nd. That the said Civil Courts have power to interfere with and interdict the preaching of the gospel and administration of ordinances as authorised and enjoined by the Church Courts of the Establishment.

3rd. That the said Civil Courts have power to suspend spiritual censures pronounced by the Church Courts of the Establishment against ministers and probationers of the Church, and to interdict their execution as to spiritual effects, functions, and privileges.

4th. That the said Civil Courts have power to reduce and set aside the sentences of the Church Courts of the Establishment, deposing ministers from the office of the holy ministry, and depriving probationers of their license to preach the gospel, with reference to the spiritual status, functions, and privileges, of such ministers and probationers,—restoring them to the spiritual office and status of which the Church Courts had deprived them.

5th. That the said Civil Courts have power to determine on the right to sit as members of the supreme and other judicatories of the Church by law established, and to issue interdicts against sitting and voting therein, irrespective of the judgment and determination of the said judicatories.

6th. That the said Civil Courts have power to supersede the majority of a Church Court of the Establishment, in regard to the exercise of its spiritual functions as a Church Court, and to authorise the minority to exercise the said functions, in opposition to the Court itself, and to the superior judicatories of the Establishment.

7th. That the said Civil Courts have power to stay processes of discipline pending before Courts of the Church by law established, and to interdict such Courts from proceeding therein.

8th. That no pastor of a congregation can be admitted into the Church Courts of the Establishment, and allowed to rule, as well as to teach, agreeably to the institution of the office by the Head of the Church, nor to sit in any of the judicatories of the Church, inferior or supreme—and that no additional provision can be made for the exercise of spiritual discipline among the members of the Church, though not affecting any patrimonial interests, and no alteration introduced in the state of pastoral superintendence and spiritual discipline in any parish, without the sanction of a Civil Court,

All which jurisdiction and power on the part of the said Civil Courts severally above specified, whatever proceeding may have given occasion to its exercise, is, in our opinion, in itself, inconsistent with Christian liberty, and with the authority which the Head of the Church hath conferred on the Church alone.

AND FURTHER CONSIDERING, that a General Assembly, composed, in accordance with the laws and fundamental principles of the Church, in part of commissioners themselves admitted without the sanction of the Civil Court, or chosen by Presbyteries composed in parts of members not having that sanction, cannot be constituted as an Assembly of the Establishment without disregarding the law and the legal conditions of the same as now fixed and declared;

AND FURTHER CONSIDERING, that such commissioners as aforesaid would, as members of an Assembly of the Establishment, be liable to be interdicted from exercising their functions, and to be subjected to civil coercion at the instance of any individual having interest who might apply to the Civil Courts for that pupose;

AND CONSIDERING FURTHER, that civil coercion has already been in divers instances applied for and used, whereby certain commissioners

returned to the Assembly this day appointed to have been holden, have been interdicted from claiming their seats, and from sitting and voting therein; and certain Presbyteries have been, by interdicts directed against their members, prevented from freely choosing commissioners to the said Assembly, whereby the freedom of such Assembly, and the liberty of election thereto, has been forcibly obstructed and taken away; Protest 1843.

AND FURTHER CONSIDERING, that, in these circumstances, a free Assembly of the Church of Scotland, by law established, cannot at this time be holden, and that an Assembly, in accordance with the fundamental principles of the Church, cannot be constituted in connexion with the State without violating the conditions which must now, since the rejection by the Legislature of the Church's claim of right, be held to be the conditions of the Establishment;

AND CONSIDERING that, while heretofore, as members of Church judicatories ratified by law and recognised by the constitution of the kingdom, we held ourselves entitled and bound to exercise and maintain the jurisdiction vested in these judicatories with the sanction of the constitution, notwithstanding the decrees as to matters spiritual and ecclesiastical of the Civil Courts, because we could not see that the State had required submission thereto as a condition of the Establishment, but, on the contrary, were satisfied that the State, by the acts of the Parliament of Scotland, for ever and unalterably secured to this nation by the Treaty of Union, had repudiated any power in the Civil Courts to pronounce such decrees, we are now constrained to acknowledge it to be the mind and will of the State, as recently declared, that such submission should and does form a condition of the Establishment, and of the possession of the benefits thereof; and that as we cannot, without committing what we believe to be sin—in opposition to God's law—in disregard of the honour and authority of Christ's crown, and in violation of our own solemn vows, comply with this condition, we cannot in conscience continue connected with, and retain the benefits of, an Establishment to which such condition is attached.

WE, THEREFORE, the Ministers and Elders foresaid, on this, the first occasion since the rejection by the Legislature of the Church's claim of right, when the commissioners chosen from throughout the bounds of the Church to the General Assembly appointed to have been this day holden, are convened together, DO PROTEST, that the conditions foresaid, while we deem them contrary to and subversive of the settlement of church government effected at the revolution, and solemnly guaranteed by the Act of Security and Treaty of Union, are also at variance with God's word, in opposition to the doctrines and fundamental principles of the Church of Scotland, inconsistent with the freedom essential to the right constitution of a Church of Christ, and incompatible with the government which He, as the Head of his Church, hath therein appointed distinct from the civil magistrate.

And we further PROTEST, that any Assembly constituted in submission to the conditions now declared to be law, and under the civil coercion which has been brought to bear on the election of commissioners to the Assembly this day appointed to have been holden, and on the commissioners chosen thereto, is not and shall not be deemed a lawful and free Assembly of the Church of Scotland, according to the original and fundamental principles thereof; and that the Claim, Declaration, and Protest, of the General Assembly which convened at Edinburgh in May 1842, as the act of a free and lawful Assembly of the said Church, shall be holden as setting forth the true constitution of the said Church, and that the said Claim, along with the laws of the Church now subsisting, shall in nowise be affected by whatsoever acts and proceedings of any Assembly constituted under the conditions now declared to be the law, and in submission to the coercion now imposed on the Establishment.

APPENDIX III.

Protest, 1843.

And, finally, while firmly asserting the right and duty of the civil magistrate to maintain and support an establishment of religion in accordance with God's word, and reserving to ourselves and our successors to strive by all lawful means, as opportunity shall in God's good providence be offered, to secure the performance of this duty agreeably to the Scriptures, and in implement of the statutes of the kingdom of Scotland, and the obligations of the Treaty of Union as understood by us and our ancestors, but acknowledging that we do not hold ourselves at liberty to retain the benefits of the Establishment, while we cannot comply with the conditions now to be deemed thereto attached—we PROTEST, that in the circumstances in which we are placed, it is and shall be lawful for us, and such other commissioners chosen to the Assembly appointed to have been this day holden, as may concur with us, to withdraw to a separate place of meeting, for the purpose of taking steps for ourselves and all who adhere to us—maintaining with us the Confession of Faith and standards of the Church of Scotland, as heretofore understood—for separating in an orderly way from the Establishment; and thereupon adopting such measures as may be competent to us, in humble dependence on God's grace and the aid of the Holy Spirit, for the advancement of His glory, the extension of the gospel of our Lord and Saviour, and the administration of the affairs of Christ's house, according to His holy word; and we do now, for the purpose foresaid, withdraw accordingly, humbly and solemnly acknowledging the hand of the Lord in the things which have come upon us, because of our manifold sins, and the sins of this Church and nation; but, at the same time, with an assured conviction, that we are not responsible for any consequences that may follow from this our enforced separation from an Establishment which we loved and prized—through interference with conscience, the dishonour done to Christ's crown, and the rejection of his sole and supreme authority as King in His Church.

3. ARTICLES FORMING THE BASIS OF UNION OF THE UNITED SECESSION AND RELIEF CHURCHES TO FORM THE UNITED PRESBYTERIAN CHURCH.

(*Adopted May* 1847.)

Articles forming Basis of Union, 1847.

1. That the Word of God, contained in the Scriptures of the Old and New Testament, is the only rule of Faith and Practice.

2. That the Westminster Confession of Faith, and the Larger and Shorter Catechisms, are the confession and catechisms of this Church, and contain the authorised exhibition of the sense in which we understand the Holy Scriptures; it being always understood that we do not approve of anything in these documents which teaches, or may be supposed to teach, compulsory or persecuting and intolerant principles in religion.

3. That Presbyterian Government, without any superiority of office to that of a teaching presbyter, and in a due subordination of church courts, which is founded on and agreeable to the Word of God, is the government of this Church.

4. That the ordinances of worship shall be administered in the United Church as they have been in both bodies of which it is formed; and that the Westminster Directory of Worship continue to be regarded as a compilation of excellent rules.

5. That the term of membership is a credible profession of the Faith of Christ as held by this Church—a profession made with intelligence, and justified by a corresponding character and deportment.

6. That with regard to those Ministers and Sessions who may think that the 2nd Section of the 26th chapter of the Confession of Faith

authorises free communion—that is, not loose or indiscriminate communion, but the occasional admission to fellowship in the Lord's Supper, of persons respecting whose Christian character satisfactory evidence has been obtained, though belonging to other religious denominations—they shall enjoy in the united body what they enjoyed in their separate communions—the right of acting on their conscientious convictions. Articles forming Basis of Union, 1847.

7. That the election of office-bearers of this Church, in its several congregations, belongs, by the authority of Christ, exclusively to the members in full communion.

8. That this Church solemnly recognises the obligation to hold forth, as well as to hold fast, the doctrine and law of Christ, and to make exertions for the universal diffusion of the blessings of His Gospel at home and abroad.

9. That as the Lord hath ordained that they who preach the Gospel should live of the Gospel—that they who are taught in the Word should communicate to him that teacheth in all good things—that they who are strong should help the weak—and that, having freely received, thus they should freely give the Gospel to those who are destitute of it—this Church asserts the obligation and the privilege of its members, influenced by regard to the authority of Christ, to support and extend, by voluntary contribution, the ordinances of the Gospel.

10. That the respective bodies of which this Church is composed, without requiring from each other any approval of the steps of procedure by their fathers, or interfering with the rights of private judgment in reference to these, unite in regarding as still valid the reasons on which they have hitherto maintained their state of secession and separation from the Judicatories of the Established Church, as expressed in the authorised documents of the respective bodies, and in maintaining the lawfulness and obligation of separation from ecclesiastical bodies in which dangerous error is tolerated, or the discipline of the Church or the rights of her ministers or members are disregarded.

The United Church, in their present most solemn circumstances, join in expressing their grateful acknowledgment to the Great Head of the Church for the measure of spiritual good which He has accomplished by them in their separate state—their deep sense of the many imperfections and sins which have marked their ecclesiastical management—and their determined resolution, in dependence on the promised grace of their Lord, to apply more faithfully the great principles of church fellowship—to be more watchful in reference to admission and discipline, that the purity and efficiency of our congregations may be promoted, and the great end of our existence as a collective body may be answered with respect to all within its pale, and to all without it, whether members of other denominations, or the world lying in wickedness. And in fine, the United Church regard, with a feeling of brotherhood, all the faithful followers of Christ, and shall endeavour to maintain the unity of the whole body of Christ, by a readiness to co-operate with all its members in all things in which they are agreed.

IV. Uniting Act, 1876.

Act of Union of the Free Church of Scotland and the Reformed Presbyterian Church of Scotland.

(Act III. 1876.)

Whereas the General Assembly of the Free Church of Scotland, on the 30th May 1874, upon Overtures from Presbyteries, declared the cordial satisfaction with which they would contemplate a scriptural union with the Reformed Presbyterian Church, and authorised their Commission, at any stated diet, to entertain any communication from the Reformed Act of Union, 1876.

Presbyterian Church to that effect: And the Commission, on the 18th November, received a communication from a Committee on Union, appointed by the Reformed Presbyterian Synod, requesting the appointment of a Committee on the part of the Free Church, for conference with respect to Union; and such a Committee was appointed accordingly by the said Commission: and in the months of January and February of the year 1875, statements on the part of the Committees were exchanged, setting forth the principles and historical position of both Churches, and the terms on which Union was contemplated on either side, and especially on the part of the Reformed Presbyterian Church, with reference to the second Reformation and Revolution Settlement: And whereas upon the report of its Committee, the Reformed Presbyterian Synod, at its meeting in May 1875, resolved to transmit to Presbyteries and Sessions an Overture wherein, *inter alia*, the Synod, considering, "as the result of more recent conferences, there is the hope that the Free Church may be prepared for union with this Church as such, on terms which would leave its members free to retain and abide by the views and principles embodied in the statement" by its Committee above referred to, agreed to union with the Free Church, and appointed a Committee to take such steps as might be needful to accomplish the object of the Overture, with due regard to the regulations of the Church, and to all its interests, spiritual and temporal; and the General Assembly of the Free Church, at its meeting in May 1875, on the report of their Committee, adopted and transmitted to Presbyteries, in terms of the Barrier Act, an Overture, wherein, after reciting previous steps, and declaring that the report of the Committee was satisfactory on the question of the views expressed by the Committee of the Synod of the Reformed Presbyterian Church, so far as the question of union with the Free Church is concerned; and also that it appeared that the Reformed Presbyterian Synod were willing to accept, without reserve, the existing Formula of the Free Church of Scotland, on the understanding that the Act of Assembly, August 27, 1647,[1] and the preamble to the Act XII. Assembly 1846[2] are held to be in force as interpreting the said Formula, and also to allow the name of the united Church to be the Free Church of Scotland, so as to involve no change by that Church in that respect: "Therefore the General Assembly, with consent of a majority of Presbyteries, hereby enact and ordain that an incorporative union may now be effected by the Assembly, upon the terms above indicated, it being understood that the united Church may be declared to consist of the Free Church of Scotland, as existing previously to the Union, and of the Reformed Presbyterian Church, as existing previously to the Union, under the common designation of the Free Church of Scotland simply, and that other secondary details may be adjusted in such manner as to the Assembly may seem meet, provided the adjustment be consistent with the terms specified in the previous parts of this Act:" And whereas the Reformed Presbyterian Synod, at its meeting in March 1876, having found that the Overture sent down by them had received the approval of all the Presbyteries, and of all the Sessions reporting, with the exception of two, declared that the said Overture had become the Resolution of the Church in accordance with its law and practice, and empowered its Committee to take steps with a view to the adjustment of all remaining details; and the General Assembly of the Free Church, at its present meeting, having found the Overture before mentioned to have been unanimously approved by the Presbyteries of the Church reporting, passed the same into a standing law; and the General Assembly of the Free Church, and the Synod of the Reformed Presbyterian Church having severally passed the Acts necessary in order to prepare for the consummation of the designed Union, on the terms agreed

[1] See page 170. [2] See page 171.

upon, have severally resolved to meet together for that purpose, and are now met accordingly. Act of Union 1876.

Now, THEREFORE, the said General Assembly and Synod thus met, first of all desire to express their devout thankfulness to the great Head of the Church for the spirit of love and concord which has prevailed during these negotiations for Union; humbly acknowledge their entire dependence on the mercy of God for all the happy results which they hope for in connection with it; and entreat the Divine blessing on the step now to be taken, and on all the congregations and people under their charge; and the General Assembly of the Free Church of Scotland and the Synod of the Reformed Presbyterian Church, empowered as aforesaid, do hereby, in terms and in pursuance of the deliverances of their respective Church Courts, ENACT and DECLARE that the two Churches do and shall henceforth constitute one united Church in all matters spiritual and ecclesiastical; that the said Church shall include and consist of the Free Church of Scotland as existing previously to the union, and of the Reformed Presbyterian Church of Scotland as existing previously to the union; that the name of the united Church shall be "The Free Church of Scotland;" and that its supreme Court shall be designated "The General Assembly of the Free Church of Scotland;" but reserving to the said Reformed Presbyterian Church of Scotland its separate name and existence in so far as regards the civil rights and property now belonging, or which may hereafter accrue or belong to it, or to any of its congregations, with full power to the Ministers and Elders of its congregations, and to the successors of such Ministers and Elders for the time being, to meet hereafter as the Courts of the Reformed Presbyterian Church of Scotland with the necessary officers as heretofore, but only in order to deal with the said civil rights and property now belonging, or which hereafter may accrue or belong to that Church as aforesaid, and with power to make all arrangements and do and perform all acts and deeds proper and necessary to preserve and protect said civil rights and property.

V. REGULATIONS ANENT APPOINTMENT OF PRECENTORS.

1. IN THE FREE CHURCH.

(ACT XV. 1889.)

The Assembly direct the attention of all ministers and others interested to the Report on the Appointment of Precentors, prepared by the Praise Committee in 1885. Appointment of Precentors —Free Church.

Recommendations of the Report, 1885.

"The Committee would suggest that some general recommendations might be issued by the Assembly which would be of use in guiding the choice of Praise-leaders, so as to avoid irritations and divisions. The following may indicate what is proposed:—

"(1) That no person should be engaged as a leader of the praise of the sanctuary, vocally or otherwise, who is not a member of the Christian Church, or whom the Session is not prepared to receive into the fellowship of the Church; and that in the event of any one so engaged being suspended from Church privileges by the Session, his office be *ipso facto* vacated. Also that the resignation of such office should be addressed to the Moderator of the Session; and that the Session should intimate it, with any decision it has come to, to the Deacons' Court.

"(2) That on a vacancy in the office of Praise-leader, the Session should appoint a small Committee of its members, whose names shall be intimated to the Deacons' Court, which shall appoint a like number of its members, not elders, to form a Joint Committee with those named by

APPENDIX III.

Appointment of Precentors —Free Church.

the Session. Of this Joint Committee the Moderator shall be *ex officio* Convener. In the event of his absence, or declining to act as Convener, the Joint Committee shall elect a Vice-Convener. It should be the duty of this Committee to take the necessary steps to invite candidates, at the salary fixed by the Deacons' Court, and to make careful private inquiry as to the character of all applicants for the office, as also to sift certificates of musical qualifications and ability to lead and to give instruction in singing.

"That for the purpose for which such Committee is appointed—more especially to make inquiry as to character—it is desirable that this Committee should be a small one.

"(3) That this Committee should report to a joint meeting of the Session with the Deacons the result of their inquiries in a list containing the name or names of the most eligible candidate or candidates. A minute of this meeting shall be kept in the records of the Session and the Deacons' Court. That the minister, having been beforehand informed of names on said list, shall, in the event of his not exercising his right of veto, be held as agreeing to the appointment of any one of them.

"(4) That whatever means it may be deemed necessary to take, to ascertain the competence of any candidates and their general acceptability with the congregation, the formal appointment to office shall be made by the Kirk-Session, and be duly recorded in the minutes of Session and Deacons' Court.

"The Committee regard it as undesirable to specify the means necessary to ascertain the acceptability of a Praise-leader to the congregation generally. As the present practice is so diverse, and the number of office-bearers varies so much in different congregations, the Committee are of opinion that this would be best entrusted to local parties to determine what was required. But the Committee recommend that in all cases the period of appointment, and conditions on which it may be terminated on either side, shall be clearly minuted."

2. In the United Presbyterian Church.

United Presbyterian Church.

"(1) The Precentor or Conductor of Praise is to be guided in his duties by the orders of the Session. He is a member of the congregation in full communion, or fitted by his character for becoming so. Suspension from membership carries with it suspension from office. Resignation of his office is given in to the Session. (*Rules and Forms of Procedure*, Chapter I., Section IV. 5, page 5.)

"(2) The election of a Precentor or Conductor of Praise is a matter of ecclesiastical business. No step can be taken towards choosing those who shall appear before the congregation as candidates, until the Session is satisfied as to their moral and religious character. The election may be made either at a congregational meeting, or by a committee appointed for the purpose. In the mode of conducting the psalmody, as well as in other matters connected with his office, the Precentor is subject to the control, and bound to obey the orders, of the Session." (*Rules and Forms of Procedure*, Chapter IV., Section II. 5, page 61.)

VI. Abstract of Act of Parliament intituled "The Free Church Ministers' Widows' and Orphans' Fund Act, 1851," 14° and 15° Vict. Cap. 78.

(*Passed 24th July* 1851.)

Whereas a general fund is annually contributed by the congregations of the body of Christians calling themselves the Free Church of Scotland, for the support of the ministers of the said Church, which fund is commonly called and known by the name of the Sustentation Fund, and another general fund is annually contributed by the congregations of the

said Church for the support of professors holding professors' offices in any college connected with the said Church, which fund is commonly called and known by the name of the College Fund: And whereas the General Assembly of the said Church did, in terms of an Act of Assembly, dated the twenty-seventh day of May one thousand eight hundred and forty-six, form a scheme for raising out of the said general fund called the Sustentation Fund, and out of the said general fund called the College Fund, a fund for the purpose of making a provision for the widows and children of the ministers of the said Church, and for the widows and children of the professors holding professors' offices in any college connected with the said Church: And whereas a considerable sum has already been accumulated in pursuance of the said scheme for the purpose aforesaid: And whereas experience has shown that the said scheme and the administration thereof may be improved, and its objects more beneficially effected; but this cannot be done without the aid and authority of Parliament: it is enacted as follows:—

Widows' and Orphans' Fund established.

SECT. I. That there shall be raised and established a fund for making a provision for the widows and children of the ministers of the said Church, and of the professors holding professors' offices in any college in Scotland connected with the said Church, and with which the fund already raised shall be united and amalgamated; and which amalgamated fund shall be called "The Free Church Ministers' Widows' and Orphans' Fund."

Objects of Fund.

SECT. II. That the fund shall embrace two separate schemes, one for making a provision for the widows, to be called "The Widows' Scheme," and the other for making a provision for the children, to be called "The Orphans' Scheme."

Payments to the Fund.

SECT. III. That there shall be payable, out of the Sustentation Fund, for every minister of the said Church, now or hereafter holding a pastoral charge in Scotland, and admitted to any share of the Sustentation Fund, and also for every minister now or hereafter *emeritus*, and out of the College Fund, for every professor now or hereafter holding a professor's office in any college in Scotland connected with the said Church, and admitted to any share of the College Fund, and also for every professor now or hereafter *emeritus*, an annual sum of five pounds to the Widows' Scheme, and an annual sum of two pounds to the Orphans' Scheme, payable at the term of Whitsunday immediately following the date of their induction or admission to a pastoral charge or professor's office respectively, and thereafter at the term of Whitsunday yearly, during the lifetime of each minister and professor, or until any such minister or professor shall cease to have any share of the Sustentation Fund or College Fund respectively

Payments to be made in respect of vacant Charges and Professors' offices.

SECT. IV. That there shall be payable at the term of Whitsunday in each year out of the Sustentation Fund for every pastoral charge in the said Church in Scotland which shall happen to be vacant at the said term, and out of the College Fund for every professor's office which shall happen to be vacant at the said term, the sum of five pounds to the Widows' Scheme and the sum of two pounds to the Orphans' Scheme: Provided always, that when a pastoral charge or professor's office shall become vacant by the death, translation, resignation, or deprivation of any minister or professor who shall have been a contributor to the Widows' Fund of the Established Church of Scotland, no payment in that event shall be made on account of such pastoral charge or professor's office whilst so vacant: Provided also, that no payment shall be made for any vacant pastoral charge or professor's office after the same shall be formally suppressed as a pastoral charge or professor's office, or combined and incorporated with another pastoral charge or professor's office, by or under the authority of the General Assembly.

Casual Payments to the Fund.

SECT. V. That there shall be payable to the Widows' Scheme out of the Sustentation Fund for every minister, and out of the College Fund for every professor,

APPENDIX III.

Entry Money.

(1) A sum of ten pounds for every minister and professor who shall be inducted or admitted to a pastoral charge or professor's office for the first time, or who subsequently to his having forfeited the right and interest of his widow and children in the fund, shall be again inducted or admitted to a pastoral charge or professor's office, the said sum being payable in two equal instalments, namely, five pounds at the first term of Whitsunday, and five pounds at the second term of Whitsunday, after the date of his induction or admission; provided such minister or professor shall survive the said terms of payment respectively:

Marriage Tax.

(2) An additional sum for every minister or professor who shall marry or who shall be married at the time of his induction or admission to such pastoral charge or professor's office, for his first and every subsequent marriage as follows; (that is to say), where such minister or professor is under forty-five years of age at the date of his marriage, or of his induction or admission if then married, a sum of five pounds at the first term of Martinmas happening after three months from such dates respectively; and where such minister or professor is forty-five years of age or upwards at the date of his marriage, or of his induction or admission if then married, a sum of ten pounds in two equal instalments, namely, five pounds at the first term of Martinmas happening after three months from such dates respectively, and five pounds at the next term of Martinmas thereafter: Provided always, that if any such minister or professor shall marry a widow who at the time of her marriage with him shall be in receipt of an annuity from the Widows' Scheme, no payment shall be made to the Widows' Scheme in respect of such marriage.

Payments to be preferable Burdens on the Sustentation Fund and College Fund.

SECT. VI. That the whole of the annual and other sums before specified shall form preferable burdens on the Sustentation Fund and College Fund respectively.

Act to apply to Colleagues, Colleagues and Successors, and Assistants and Successors.

SECT. VII. That this Act shall extend and apply to persons and to the widows and children of persons holding the office of colleague, colleague and successor, or assistant and successor to a minister or professor, provided such persons shall and do enjoy the full status and functions of a minister or professor, and shall be admitted to any share of the Sustentation Fund or College Fund respectively, but not otherwise.

Ministers or Professors hereafter ceasing to have Shares of the Sustentation Fund or College Fund may continue the Rights of their Widows and Children.

SECT. VIII. That in the event of any minister or professor ceasing, from whatever cause, to have any share of the Sustentation Fund or College Fund, it shall nevertheless be in his power to continue the right of his widow and children to the benefits of the Widows' Scheme and Orphans' Scheme, by paying regularly the annual and other sums which would otherwise have been payable out of the Sustentation Fund or the College Fund in terms of sections III. and V. of this Act, with interest as aforesaid, and by complying fully with the other provisions of this Act: Provided always, that if such minister or professor shall have failed, from whatever cause, at two successive terms of payment to make payment to the fund of such annnal contributions, his widow and children shall *ipso facto* forfeit and lose all right and interest in the Widows' Scheme and Orphans' Scheme, and shall not be entitled to any benefit therefrom whatsoever.

Ministers or Professors who have ceased to have Shares in the Funds may continue their Rights.

SECT. IX. That those ministers or professors who have, prior to the passing of this Act, ceased to have any share of the Sustentation Fund or College Fund, and who have not forfeited the right and interest of their widows and children under the scheme formed by the General Assembly, shall be entitled likewise to continue the right and interest of their widows and children to the benefit of the Widows' Scheme and Orphans' Scheme established by this Act, and that in the same manner, and subject to the same proviso as to forfeiture, as in the case of ministers and professors hereafter ceasing to have any share of the Sustentation Fund or College Fund.

Parties excepted from the Fund.

SECT. X. That those ministers and professors who are contributors to the Widows' Fund of the Established Church of Scotland, and their widows and children, shall be excepted from the Widows' Scheme and Orphans' Scheme established in virtue of this Act.

Trustees appointed and incorporated.

SECT. XI. Appoints trustees (and their convener) for managing the fund, and incorporates them and their successors in office as one body politic and corporate by the name and style of "The Trustees of the Free Church Ministers' Widows' and Orphans' Fund."

Trustees to go out of office by rotation.

SECT. XII. Regulates the election of new trustees in room of the two senior trustees who go yearly out of office, the filling up of casual vacancies, and the election of the convener.

Meetings and Quorum of Trustees.

SECT. XIII. Regulates the meetings of the trustees (three being a quorum) and empowers them to appoint committees of their number.

Treasurer and Actuary.

SECT. XIV. Empowers the trustees to appoint a treasurer and an actuary or auditor.

Duties of Treasurer.

SECT. XV. Prescribes the general duties of the treasurer.

Books, etc.

SECT. XVI. Provides for the keeping of the books and making up the accounts of the fund and lists of the progressive changes in the family statistics of the ministers and professors.

Returns to be made by Presbytery Clerks and Ministers and Professors.

SECT. XVII. That in order to enable the treasurer to keep a full and correct record of the statistics of the fund, it shall be incumbent on each person holding the office of clerk to any presbytery of the said Church to report to the treasurer, in such form as shall from time to time be prescribed by the trustees, such changes as may occur within the bounds of the presbytery of which he is clerk with respect to the induction, translation, resignation, deprivation, or death of any minister or professor, and that half-yearly, on the first day of May and first day of November respectively, bringing down the report of such changes at least to the first day of April and first day of October immediately preceding; and every minister or professor shall, within two months after his induction or admission to a pastoral charge or professor's office, make a return to the treasurer, accompanied by such certificates as shall be required by the trustees, stating the following particulars, in so far as they apply to his case, namely, the date of his ordination and induction, the date of his birth, the name of his wife, and the date of her birth, the name and date of the birth of each child alive, and the date of the birth and death of each child deceased; and every minister or professor shall in the month of August in each year make a return to the treasurer, also accompanied by such certificates as shall be required by the trustees, of the particulars of such changes as shall have occurred in the state of his family during the year preceding the first day of August annually, according to the form of the schedule hereunto annexed, or certify that no such change has taken place.

Penalty for failure of Ministers or Professors to make returns.

SECT. XVIII. That in the event of a minister or professor failing to make such returns, his right to the share that would have been payable to him at the ensuing term of Martinmas from the Sustentation Fund or College Fund respectively shall *ipso facto* be suspended; and the treasurer shall, on or before the fifth day of November in each year, furnish a list of any ministers or professors who shall have failed to make such returns to the treasurer of the Sustentation Fund or College Fund respectively, who thereupon shall withhold payment of the share which would otherwise have been due to such parties respectively until it shall be intimated to him by the treasurer that the requisite returns have been made.

Moneys to be deposited in Bank.

SECT. XIX. That the trustees shall from time to time name a bank in Edinburgh, in which the moneys of the fund shall be deposited on an account to be opened in their name, to be operated upon by drafts signed by two of the trustees and the treasurer; and the treasurer shall never at any time retain in his hands more than fifty pounds of the money belonging to the fund.

APPENDIX III.

Funds vested in the Trustees.

SECT. XX. Provides that the whole moneys belonging to the fund shall vest in the trustees and not be affectable by the debts or deeds of ministers and professors, and shall be protected against all legal diligence at the instance of their creditors or any other person.

Donations and Bequests to be allocated.

SECT. XXI. That all donations or bequests to or for the general purposes of the fund shall be allocated and applied by the trustees in the proportion of five pounds to the Widows' Scheme and two pounds to the Orphans' Scheme, unless otherwise directed by the persons giving or bequeathing such donations or bequests.

Investment of the Funds.

SECT. XXII. Regulates the powers of the trustees as to the investment of the moneys belonging to the fund.

Trustees may prosecute diligence and enter into arbitrations.

SECT. XXIII. Empowers the trustees, by their corporate name, to prosecute all legal diligence, and to enter into submissions or arbitrations for and in relation to the fund, and all matters and things connected therewith.

Annual Report to be laid before the General Assembly.

SECT. XXIV. That the trustees shall prepare, and lay before the General Assembly at their ordinary annual meeting, a report on the state and progress of the fund, and showing generally how the moneys are invested, and the respective rates of interest payable thereon, which reports, along with such lists or abstracts as may be necessary to explain the same, shall at the same time be printed for circulation, and copies thereof shall be furnished by the treasurer, free of any charge, to ministers and professors applying for the same at the office of the fund.

Periodical Investigation of the Affairs of the Fund.

SECT. XXV. Provides that the affairs of the fund shall be investigated periodically by the actuary or auditor.

Periods of Investigation.

SECT. XXVI. Provides that each investigation shall be made as at the fifteenth day of May not sooner than seven nor later than ten years from the date of the immediately preceding investigation, unless circumstances shall arise which in the opinion of the trustees render it desirable to make an earlier investigation, in which case they shall have power to direct an investigation to be made within an earlier period than seven years.

Liabilities of Trustees and Members of the Presbyteries of Edinburgh and Glasgow.

SECT. XXVII. That neither the trustees nor the members of the said Presbyteries of Edinburgh and Glasgow shall be liable for omissions, or for acts done by them *bonâ fide* in the execution of their duties under this Act, or for the solvency of the persons to whom moneys shall be lent out, or of the banks in which moneys shall be deposited, or for the sufficiency of securities and investments, or *in solidum*, but each only for his own actual intromissions, and the trustees shall be paid and indemnified out of the fund for all necessary expenses to which they may be put in the execution of their office.

Bye-laws and Regulations may be made.

SECT. XXVIII. Empowers the trustees to make bye-laws and regulations for beneficially administering the fund, subject to the approval of the members of the Presbyteries of Edinburgh and Glasgow : Provided always, that such bye-laws and regulations shall not be repugnant to the law of Scotland, or to the true intent and meaning of this Act.

Rate of Interest to be paid.

SECT. XXIX. That in every case where interest is made payable by this Act, such interest shall be calculated and paid at the rate of five pounds per centum per annum.

Annuities to Widows.

SECT. XXX. That the whole sums which have already been accumulated for making a provision for the widows of ministers and professors under the scheme formed by the General Assembly, and all sums due to the said scheme for the said purpose, and outstanding at the passing of this Act, and also the whole annual and other sums payable to the Widows' Scheme under this Act, and all donations or bequests to the said Scheme, together with the interests and dividends, and every profit and increase that may accrue thereon, shall form one aggregate fund, out of which there shall be paid, in the first place, subject to the proviso in Section XXXII. of this Act, the expenses incurred in the administration

of the Widows' Scheme and Orphan's Scheme; and in the second place, to each of the widows now upon the said Scheme formed by the General Assembly, and to the widow of any minister or professor who has, prior to the passing of this Act, ceased to have any share of the Sustentation Fund or College Fund, and who may not have forfeited the right and interest of his widow and children as aforesaid, and to the widow of every minister and professor now or hereafter holding a pastoral charge or professor's office in Scotland, and who is now, or who shall be in time coming, admitted to any share of the Sustentation Fund or College Fund respectively, and to the widow of every minister and professor now or hereafter *emeritus* (subject always to the provisions, conditions, and exceptions specified in Sections VII., VIII., IX., X., and XXXIII. of this Act), an annuity of twenty-seven pounds, payable in equal portions half-yearly, at the terms of Whitsunday and Martinmas, during the life of each widow, the first half-yearly payment of the said annuity being due and payable at the term of Martinmas one thousand eight hundred and fifty-one in so far as regards each of the widows now upon the said Scheme formed by the General Assembly, and at the term of Whitsunday or Martinmas immediately following the date of her husband's decease in so far as regards each of the other widows above mentioned; and in every case the last term's payment of such annuity shall be due and payable at the term of Whitsunday or Martinmas immediately preceding the death of each widow: Provided always, that if any such widow shall marry, she shall thereby lose all right to any annuity, or other allowance, from the Widows' Scheme, from and after the term of Whitsunday or Martinmas immediately preceding her marriage, unless and until she shall again become entitled as the widow of another minister or professor: Provided also, that no widow shall in any case be entitled to more than one annuity at one time.

Annuities to Children.

SECT. XXXI. That the whole sums which have already been accumulated for making a provision for the children of ministers and professors under the Scheme formed by the General Assembly, and all sums due to the said Scheme for the said purpose, and outstanding at the passing of this Act, and also the whole annual and other sums payable to the Orphans' Scheme under this Act, and all donations or bequests to the said Scheme, together with the interest and dividends and every profit and increase that may accrue thereon, shall in like manner form one aggregate fund, which fund shall, subject to the proviso in Section XXXII. of this Act, be solely chargeable with an annuity to each of the children now upon the said Scheme formed by the General Assembly, and to the lawful children under eighteen years of age, the issue of deceasing ministers or professors who have prior to the passing of this Act ceased to have any share in the Sustentation Fund or College Fund, and who may not have forfeited the right and interest of their widows and children as aforesaid, and to the lawful children under eighteen years of age, the issue of deceasing ministers and professors now or hereafter holding a pastoral charge or professor's office in Scotland, and who are now or who shall be in time coming admitted to any share of the Sustentation Fund or College Fund respectively, and to the lawful children under eighteen years of age the issue of deceasing ministers and professors now or hereafter *emeriti* (subject always to the provisions, conditions, and exceptions specified in Sections VII., VIII., IX., X., and XXXIII. of this Act), in manner following; (that is to say), where the father has died or shall die leaving a widow, whether such widow shall be the mother of all or any of his children or not, there shall be paid to each child an annuity of ten pounds in equal portions half-yearly, at the terms of Whitsunday and Martinmas, the first half-yearly payment of the said annuity being due and payable at the term of Martinmas one thousand eight hundred and fifty-one in so far as regards each of the children now upon the said Scheme formed by the General Assembly,

and at the term of Whitsunday or Martinmas immediately following the date of the father's decease in so far as regards each of the other children above mentioned; and in case such widow shall predecease the period of any such child attaining the age of eighteen years complete, then the annuity so payable to each child shall be increased to fifteen pounds, commencing the payment of the increased annuity at the first term of Whitsunday or Martinmas after such widow's decease, and continuing the payment thereof at the terms before mentioned; and where the father has died or shall die without leaving a widow, then there shall be paid to each of his orphan children an annuity of fifteen pounds payable in the same manner and at the same terms as in the case of the annuity of ten pounds; and the payment of all such annuities shall cease at the term of Whitsunday or Martinmas immediately preceding the date at which each child shall attain the age of eighteen years complete, or immediately preceding the date of each child's death before attaining that age: Provided always, that such children shall be entitled to their annuities of ten pounds, although the widow of their father shall enter into a second or any subsequent marriage; but no child in any case shall be entitled to more than one annuity.

Proviso as to Expenses of Management.

SECT. XXXII. Empowers the trustees to charge the Orphans' Scheme with the whole or any part of the expenses incurred in the management and administration of the Widows' and Orphans' Schemes.

Annuities to be subject to Alteration and Deduction of Arrears of Contributions.

SECT. XXXIII. That the annuities to widows and children above specified shall be subject to diminution and increase, in manner herein provided for; and the annuities shall further be subject at all times to deduction of any arrear, not amounting to two years' contributions, due at the time of his death by any minister or professor, who shall have ceased to have any share of the Sustentation Fund or College Fund.

Alteration of Annuities.

SECT. XXXIV. That if after making any of the periodical investigations hereinbefore provided for, it shall be reported by the actuary that an alteration should be made upon the annuities then payable, the trustees shall forthwith cause the actuary's report to be printed, and transmitted to each member of the said Presbyteries of Edinburgh and Glasgow, with a circular calling a special meeting of said members to be held on a day not less than one month and not more than two months after the date of such circular, for the purpose of considering the said report; and the members present at such meeting or at any adjourned special meeting shall have power to increase or diminish the rates of annuity according to the recommendations of the actuary or to do otherwise as may appear to them most advisable under the circumstances.

Payment of altered Annuities.

SECT. XXXV. That in the event of any alteration being made as hereinbefore provided on the amount of the annuities, the altered annuities shall commence to be paid at the term of Whitsunday or Martinmas which shall first happen after the amount thereof shall have been so altered.

Annuities to Widows and Children not affectable by their Debts, nor subject to Arrestment.

SECT. XXXVI. Declares the annuities payable to widows and children to be alimentary provisions, and not affectable by their debts or deeds, nor subject to arrestment or other legal diligence at the instance of their creditors; and in case any such widow shall be under any legal or natural disability to discharge the same, or in case any such children shall have no tutors or curators, the trustees are empowered to name any two or more persons as trustees to manage and apply the annuities.

Short Title.

SECT. XXXVII. That in citing this Act in other Acts of Parliament, and in legal deeds, instruments, and proceedings, it shall be sufficient to use the expression "The Free Church Ministers' Widows' and Orphans' Fund Act, 1851."

Interpretation of Terms.

SECT. XXXVIII. That in this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say),

The word "Fund" shall mean "The Free Church Ministers' Widows' and Orphans' Fund" to which this Act relates:

The word "Trustees" shall mean "The Trustees of the Free Church Ministers' Widows' and Orphans' Fund" hereby incorporated:

The expression "said Church" shall mean the said Free Church; and the expression "General Assembly" shall mean the General Assembly of the said Church:

The word "Minister" shall mean a minister of the said Church now or hereafter holding a pastoral charge in Scotland, and who is now or shall be in time coming admitted to any share of the Sustentation Fund, and shall include "Colleague," "Colleague and Successor," or "Assistant and Successor" to a minister, subject to the proviso in Section VII. of this Act; and the expression "Pastoral Charge" shall include the charge of such "Colleague," "Colleague and Successor," and "Assistant and Successor:"

The word "Professor" shall mean a professor now or hereafter holding a professor's office in any college in Scotland connected with the said Church, and who is now or shall be in time coming admitted to any share of the College Fund, and shall include the "Head or Principal" of any College connected with the said Church, and also "Colleague," "Colleague and Successor," or "Assistant and Successor" to a principal or professor, subject to the proviso in Section VII. of this Act; and the expression "Professor's Office" shall include the office of such "Head or Principal," "Colleague," "Colleague and Successor," and "Assistant and Successor:"

The expression "Sustentation Fund" shall mean the general fund provided by annual contribution or otherwise for the support of the ministers of the said Church, by whatsoever name it shall be called:

The expression "College Fund" shall mean the general fund provided by annual contribution or otherwise for the support of the professors of the said Church, by whatsoever name it shall be called:

The words "Treasurer" and "Actuary" or "Auditor" shall mean the treasurer and actuary or auditor appointed by the trustees for the time being, and shall include interim treasurer and interim actuary or auditor.

Expenses of Act.

SECT. XXXIX. That the expenses incurred in applying for and obtaining this Act and incident thereto shall be paid by the trustees out of the fund.

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

ANNUAL RETURN

Of
Minister [*or* Professor] of
Presbytery of
Year preceding 1st August 18

Date of Marriage, specifying whether First or Second Marriage, . . .
Wife's Maiden Name, ...
Date of Wife's Birth, ...
Date of Wife's Decease, ...
Name and Date of Birth of each Child born, ...
Name and Date of Death of each Child dying, ...

I hereby certify, that the above is a correct return of the changes that have occurred in the state of my family during the year preceding the first day of August 18

(Signed)

Appendix III.

Ministers' and Missionaries' Widows' and Orphans' Fund Act, 1888.

By Act 51 and 52 Vict. cap. 162, similar provisions are made for Widows and Orphans of Missionaries of the Church, subject to the payment of special climatic rates in addition to the ordinary rates, and to a medical examination of the Missionary before he leaves this country.

VII. Questions of Evidence that may arise in a Judicial Case.

(Act II. 1883, altered and abridged.)

It is impossible here to enter at any length into the law of evidence, but the following remarks may be of use in practice:—

1. *Who are Competent Witnesses?*

Disqualifications.

Many disqualifications are now abolished. Those remaining may be classed under three heads—

Children.

1. Children under twelve are not examined on oath. But they are admissible if they appear to be sensible of the duty of telling the truth, and even when they are so young as to be incapable of this, they are sometimes admitted, but must be corroborated by adults.

Relationship.

2. In investigations affecting conduct it is desirable that as far as possible the evidence should be that of witnesses not likely to be subject to bias on the ground of near relationship, such as husband or wife, parent or child. The evidence of such witnesses, however, is admissible, but is liable to comment.

General.

3. The law-agent of a party, or person acting as such, cannot be compelled to disclose what was committed to him in that character, unless he is adduced as a witness by his own client. This does not extend to the case of a confidential friend, or even spiritual adviser.

The character of a witness, however bad, does not disqualify; it affects his credibility only.

When a case is being prosecuted under a libel, leading questions (*i.e.* asking a witness "Did he do or say so and so?" in place of "What did he do or say?") are only allowed in the introductory part of the examination in chief; but when the witness shows hostility, reluctance, or forgetfulness, it is permitted to recall circumstances by leading questions; and such questions are always allowed in cross-examination.

A witness ought not to be present while previous witnesses are examined; but it is not imperative to reject a witness on the ground of his having been so present. The Court may judge whether, in the circumstances, injustice could be done by his examination being allowed.

2. *What is Competent Evidence?*[1]

Competent Evidence.

The questions put must be more or less pertinent to the cause. A witness must depone not only to his knowledge, but also to his cause of knowledge. He must likewise speak to what he himself knows, not to what he has heard. It must be particularly remarked that it is not competent for a witness to tell what a third party may have told him. This is hearsay, not evidence, and such questions ought never to be permitted to be asked or answered, with the following exceptions. It is competent to ask a witness to speak to what he has heard said by a party deceased; or by the accused; or by any one in the presence of the accused; or to what was said at the time the act charged took place, if

[1] Borrowed from the *Book of Styles*.

such observations formed part of the *res gesta*; or to a common rumour or *fama* in the neighbourhood. Competent Evidence.

A witness examined as to facts cannot be competently asked his opinion generally; but he may be asked what belief or impression was produced at the time by the facts sworn to. But persons of skill may be examined as to their opinion on the facts, or on fundamental points of the cause. Engineers, medical men, etc., are admissible in this capacity.

A witness may look at writings of his own made at the time to refresh his memory, but not at those of another.

No witness is bound to answer a question tending to criminate himself.

VIII. Local College Boards.

1. Act IX. 1869.

The Assembly resolve that a Local Board be appointed in connection with each of the three Colleges at Edinburgh, Glasgow, and Aberdeen, for the management of their financial affairs; that such Boards shall be empowered to receive and disburse the Funds accruing to the several Colleges in conformity with the appointments of the General Assembly, and with the specific destination of particular endowments; that it shall belong to such Boards, with the concurrence of the General Trustees of the Church, to advise and determine respecting investments of money for College purposes, and to see that the same be properly executed; also, with consent of the College Committee, to make such alterations and repairs as may be required from time to time on the College buildings; that these Financial Boards shall be subject to the College Committee, to which they shall present annually a statement of accounts to be laid before the General Assembly. Appointment of College Local Boards.

The Assembly appoint the following as the Financial Board for the New College, Edinburgh, namely,—Principal Candlish, Sir Henry W. Moncreiff, and Mr. Robert Gordon, *Ministers*; Sheriff Jameson, Sheriff Cleghorn, Sheriff Campbell, Messrs. Samuel Raleigh, David Maclagan, R. Romanes, David Dickson, John Cowan, and John Drybrough, *Elders*. As the Financial Board for the Glasgow College,—Principal Fairbairn, Dr. Robert Buchanan, and Dr. Samuel Miller, *Ministers*; Messrs. W. Towers Clark, Anderson Kirkwood, John Blackie, jun., James Stevenson, jun., James Campbell of Tillichewan, J. W. Burns of Kilmahew, and Dr. Joshua Paterson, *Elders*. As the Financial Board for the Aberdeen College,—Principal Lumsden, Dr. Davidson, and Dr. Alexander Spence, *Ministers*; Messrs. Francis Edmond, William Henderson of Devanha House, W. Rose, Wm. Henderson, architect, J. B. M'Combie, Dr. R. J. Brown, and Dr. G. G. Brown, *Elders*. Each Board shall have a secretary and treasurer, and shall keep a record of its proceedings—three to be a quorum—such records to be annually sent up to the Assembly, as in the case of Standing Committees of the Church; the Principal of each College to be the Convener of the Board connected with the College of which he is Principal.

In regard to the Ewing Bequest, the Assembly direct the College Committee to allocate the proceeds in the way recommended in the Report; and direct the Treasurer of the Church to make payment to the three Financial Boards accordingly; it being left to the Senatus of each College to determine in what way the sum so received shall be made available for the object contemplated in the bequest.

APPENDIX III.

Extended Powers and Functions.

2. ACT VI. 1871.

The General Assembly extend the powers and functions of the Local College Boards in Glasgow and Aberdeen, and appoint these Boards Trustees for holding property and funds belonging to or connected with these Colleges respectively, empowering them to employ a law-agent for the transaction of their business, and instructing them annually to lay before the General Assembly an account of their intromissions, and a state of their property, funds, and investments. With regard to property and funds now belonging to, or connected with, and which hereafter may be given or bequeathed to the Colleges of Glasgow and Aberdeen, and which must, in terms of the original deed of gift or bequest, be held by, and invested in the names of the Board of General Trustees, the General Assembly instruct the General Trustees to employ for the transaction of all business relative to the holding and investment of such property and funds, law-agents resident in Glasgow and Aberdeen respectively.

APPENDIX IV.

PROPERTY.

I. Free Church Model Trust Deed.

Act XVIII. 1844.—*Act anent the Trust-Deed.*

Act anent the Trust-Deed.

The General Assembly having called for the Report of a Committee appointed to consider the whole matter of the Trust-Deed, the same was given in and read. The Assembly approve of the same, and enacted, and do hereby enact, in terms of said Report, the tenor whereof follows, viz. :—

Your Committee have had several meetings, and deliberated very fully on the whole subject remitted to them, and they unanimously approve of, and recommend the Assembly to adopt, the third or intermediate plan recommended by the Special Commission of last Assembly, viz. :

I. "That the property of each place of worship be vested in Trustees chosen by the congregation, to be held for the congregation, in communion with the Free Church, as attested to be so by the Moderator and Clerk of the General Assembly; that Church to be identified as in the Model Trust-Deed; the management of the property to be in the Deacons' Court,—all, as nearly as possible, as under the first plan.

II. "That in the event of a certain proportion of the Ministers and Elders, members of the Church Courts, separating from the general body, and claiming still to be the true *bona fide* representatives of the original protesters of 1843, and to be carrying out the objects of the Protest more faithfully than the majority, then, whatever the Courts of Law may determine, as to which of the contending parties is to be held to be the Free Church, it shall be competent for each congregation, by a majority of its members in full communion, to decide that question for itself, so far as the possession and use of their place of worship and other property are concerned, with or without compensation to the minority,—such compensation to be settled by arbitration." It being understood that a disruption of the Church in the sense referred to in this extract shall consist only in the simultaneous separation, that is, the separation from the general body *at once*, or within a period not exceeding three months, of at least one-third of the ordained ministers of the Church, having the charge of congregations in Scotland; and that such separation shall take place only on the professed grounds stated in the said deliverance of the Commission of Assembly; and it being further understood that, in order to determine who are members of the congregation entitled to dispose of the property in such a case, a roll of all the members of the Church, in full communion, shall be kept in each congregation, and annually attested by the Presbytery of the bounds; and that all such members, and such only, shall be entitled to vote in regard to the disposal of the property as have had their names on said roll for at least twelve months previous to the separation of the said one-third of ministers from the general body.

James Begg, *Convener.*

APPENDIX IV.

Model Trust-Disposition executed in conformity with the draft approved of by the General Assembly of the Free Church of Scotland, and by special reference to which it is recommended that all the churches and other property belonging to the congregations in connection with said Church should be held:—

Introductory Clause.

WE, John Hamilton, Esq., Advocate; John Cadell, Esq., Advocate; John Murray, Esq., residing in Ainslie Place, Edinburgh; Robert Paul, Esq., Manager of the Commercial Bank of Scotland; James Smith, Esq., Builder in Edinburgh; and Thomas Thomson, Esq., Writer to the Signet, a majority and more than a quorum of the Building Committee appointed by, and authorised to act for behoof the Kirk-session and Congregation of St. George's Free Church of Edinburgh, and as such, having power and being authorised and required in manner after mentioned, to grant the disposition after written of the subjects and others after described, CONSIDERING, that by disposition dated the 11th, 15th, and 25th days of May, and 1st day of June, and 11th day of July, all in the year 1844,

Narrative Clause.

etc. (*here follows the narrative of the conveyance in favour of these parties, and of their title and authority to grant this deed, and that certain ministers and elders had separated from the Established Church of Scotland, and now formed a body of Christians, known by the name of the Free Church of Scotland, separate and distinct from the Established Church,—after which the inductive clause proceeds as follows:*) AND WHEREAS, in order to secure and invest the foresaid subjects and others, and buildings erected on the ground thereof, in connection with the said Free Church of Scotland, it has been agreed to Convey the same to the parties after named and designed, as Trustees, in manner and to the effect following:

Dispositive Clause.

THEREFORE we, the said John Hamilton, etc., have Alienated and Disponed, as we do hereby Sell, Alienate, Dispone, Assign, Convey, and Make Over, etc., heritably and irredeemably, to and in favour of the said John Cadell, Advocate (*here follow the names and designations of the Trustees, thirty-three in number*); Trustees for the foresaid Congregation of St. George's Free Church of Edinburgh, belonging and adhering to the said body of Christians called the Free Church of Scotland, and presently worshipping in Edinburgh, under the pastoral charge of the Rev. Dr. Robert Smith Candlish, and to such other person or persons as may, from time to time, be appointed, in virtue of the powers and provisions hereinafter contained, to act in the trust after specified and to the acceptors and survivors, and acceptor and survivor, and the heir of the last survivor of the said Trustees, whether herein named or to be appointed, as said is, the majority of accepting trustees, in life for the time, being always a quorum, and to the assignees and disponees of the said accepting Trustees, whether named or to be appointed as aforesaid, in life, for the time, or of their said quorum, ALL and WHOLE, etc. (*Here follows a description of the subjects.*)

PURPOSES.

BUT DECLARING that these presents are granted IN TRUST ALWAYS, for the ends, uses, and purposes, and with the powers, and with and under the conditions, provisions, and declarations after specified: THAT IS TO SAY, in trust for the ends, uses, and purposes, and under the provisions and declarations following, viz.:—

First, To hold in Trust.

FIRST, UPON TRUST, That the Building or Place of Worship erected, or in the course of being erected, upon the ground hereby disponed, or any Building or Place of Worship that may hereafter be built and be erected thereon, with the appurtenances thereof, shall in all time coming be used, occupied, and enjoyed, as and for a Place of Religious Worship, by a Congregation of the said body of Christians called the Free Church of Scotland, or of any united body of Christians composed of them, and of such other body or bodies of Christians as the said Free Church of Scotland may, at any time hereafter, associate with themselves, under the foresaid name of the Free Church of Scotland, or under whatever

name or designation they may assume; and to be made use of by such Congregation, occupying and enjoying the same for the time being, in way and manner in which, by the usages of the said body, or united body of Christians, Places of Religious Worship may be, or are in use to be, occupied and enjoyed; SECONDLY, UPON TRUST, That the said Trustees or Trustee acting for the time, shall, at all times, and from time to time, hereafter PERMIT and SUFFER to preach and expound the Holy Scriptures, and administer ordinances, and perform the usual acts of Religious Worship within the said Building or Place of Worship, erected or to be erected, as said is, such person or persons, and such person or persons only, as may or shall, from time to time, be authorised or appointed so to do, by the said body or united body of Christians, acting through the medium of its Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies, or according to the form or forms in use with the said body, or united body, for the time: PROVIDING always, as it is hereby expressly PROVIDED and DECLARED, that no person or persons, even holding such authority and appointment, as aforesaid, nor any person or persons whatsoever, shall have any right or title to pursue the said Trustees or Trustee, acting under these presents for the time, in any Court of Law or Justice, for the purpose, or with the object and intent, either of obtaining such permission and sufferance as said is, or the continuance thereof, or of obtaining in any manner of way whatever, liberty or the continuance of liberty, to preach and expound the Holy Scriptures, or administer ordinances, or to do or perform any act of Religious Worship or other act or thing, whatsoever, within the said Building or Place of Worship, erected, or to be erected, as said is, or with the object and intent of, in any way, controlling the said Trustees or Trustee, in reference to the use, occupation, management, or disposal of such Building or Place of Worship, unless with the express consent, and concurrence, of the General Assembly of the said body, or united body of Christians, or of the Commission of such Assembly, previously had, to such pursuit; of which consent, and concurrence, the only legal or admissible evidence shall be a written Certificate, under the hand of the Moderator and Clerk of the General Assembly of the said body or united body of Christians, or of their then immediately preceding General Assembly, or under the hand of the parties generally known, or understood, to hold those offices for the time being; which written Certificate shall be produced along with the summons or other proceeding, commencing such pursuit, otherwise the same shall be utterly incompetent, void, and null, albeit such Certificate really may exist: DECLARING, as it is hereby expressly PROVIDED and DECLARED, that, in the event of any person or persons, even holding such authority or appointment, as aforesaid, or any person or persons whatsoever, pursuing the said Trustees, or Trustee, as aforesaid, unless with such express consent and concurrence as aforesaid, previously had to such pursuit, as said is, evidenced as aforesaid, such person, or persons, shall, immediately on such pursuit being commenced, *ipso facto*, forfeit and lose all and every right, title, and interest, and claim and demand, of whatever description, under these presents, and shall, from thenceforward, cease to have any concern therewith, or interest therein: AND PROVIDING, further, as it is hereby further expressly PROVIDED and DECLARED, that whensoever any person holding such authority or appointment, as said is, and enjoying the permission and sufferance foresaid, shall by a sentence of the said body, or united body of Christians, pronounced by one or other of its Presbyteries, Provincial Synods, or by its General Assembly, or Commission of such Assembly, for the time being, or in any other way, or manner, in use in such matters, for the time, by the said body, or united body of Christians, be deposed, or suspended, from office or cut off from the said body, or united body of Christians, or declared no longer a Minister thereof, his authority and appointment

Secondly, that Ministers of Free Church may have use of Building.

But Ministers not to sue the Trustees except with consent of General Assembly.

And deposed or suspended Ministers to debarred from such use.

foresaid, shall, *ipso facto*, cease and determine, and the said Trustees, or Trustee acting for the time, shall not only be no longer bound, but be no longer entitled, to permit or suffer him to preach and expound the Holy Scriptures, or administer ordinances, or do or perform any act of Religious Worship, or other act or thing whatsoever, within the said Building, or Place of Worship, erected, or to be erected, as said is; and shall be bound and obliged to debar him therefrom, aye and so long as he remain deposed or suspended, or cut off as aforesaid: THIRDLY, UPON FURTHER TRUST, That the said Building, or Place of Worship, erected, or to be erected, as said is, and whole appurtenances thereof, and generally the whole subjects hereby disponed, shall be under the immediate charge and management (except always as regards the authority and appointment, and relative permission and sufferance, before mentioned) of the Elders and Deacons, or Elders acting as Deacons, for the time being, of the Congregation in the use, occupation, and enjoyment for the time, of such Building or Place of Worship,—such Elders and Deacons, or Elders acting as Deacons, being always subject to such control, as shall, or may, be provided, from time to time, by the said body, or united body, of Christians, through the medium of its Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies, or in the way and manner generally in use in the said body, or united body, for the time: DECLARING always, as it is hereby expressly PROVIDED and DECLARED, that it shall not be in the power of the said Deacons, or Elders, or any of them, or of any, or all, of the individual members of the Congregation, in the use, occupation, and enjoyment, for the time being, of the said Building, or Place of Worship, and appurtenances thereof, or of any or all of said parties, either to maintain themselves in any use, possession, occupation, or enjoyment of the same, as against the said Trustees or Trustee, acting for the time, or to institute against the said Trustees or Trustee, acting for the time, any action, suit, or proceeding, before any Court of Law or Justice, for the purpose, either of obtaining, or maintaining such possession, use, occupation, or enjoyment, or of controlling in any way the said Trustees or Trustee, in reference to the use, possession, occupation, or enjoyment, or management, and disposal of such Building, or Place of Worship, unless with the express consent and concurrence of the General Assembly of the said body, or united body of Christians, or Commission of such Assembly, previously had; of which consent and concurrence the only legal or admissible evidence shall be a written Certificate, under the hand of the Moderator and Clerk of the General Assembly of the said body, or united body of Christians, or of their then immediately preceding General Assembly, or under the hand of the parties generally known, or understood, to hold those offices, for the time being; which written Certificate shall be produced along with the summons, or other proceeding, commencing such action, suit, or proceeding; otherwise such action, suit, or proceeding shall be utterly incompetent, void and null, albeit such Certificate may really exist: DECLARING, as it is hereby expressly PROVIDED and DECLARED, that, in the event of any Elders and Deacons, or Elders or Deacons, one or more, or Members or Member of any Congregation, as aforesaid, or all or any of them, instituting against the said Trustees, or Trustee, any action, suit, or proceeding, as aforesaid, for the purposes foresaid, or any of them, unless with such express consent and concurrence as aforesaid, previously had, as said is, evidenced as aforesaid, such party or parties, instituting said action, suit, or proceeding, as aforesaid, shall immediately on the same being instituted, *ipso facto*, forfeit and lose all and every right, title, and interest, and claim and demand, of whatever description, under these presents, and shall from thenceforward, cease to have any concern therewith, or interest therein: FOURTHLY, UPON FURTHER TRUST, That the said Trustees, or Trustee, acting for the time, shall, at all times, be subject, in the management and

Thirdly, That Elders and Deacons may have charge and management.

But Elders, Deacons, or others not to sue the Trustees, except with consent of the Assembly or its Commission.

disposal of the said Building or Place of Worship, and appurtenances thereof, and whole subjects hereby disponed, and in all matters and things connected therewith, to the regulation and direction of the General Assembly for the time being, of the said body, or united body of Christians, and shall be liable and bound to conform to, implement, and obey, all and every the Act, or Acts, of the General Assembly for the time being, of the said body, or united body of Christians, in reference thereto; and the Moderator and Clerk of the said General Assembly for the time being, or of the then immediately preceding General Assembly of the said body, or united body of Christians, or the parties generally known, or understood, to hold those offices for the time, shall, at all times, have full power, and sufficient status, and right and interest, to pursue, or defend, any action or actions, in whatever Court, or Courts of Law or Justice, for the enforcement, maintenance, or protection, of the rights, interests, or privileges of the said body, or united body of Christians, or General Assembly thereof, in, or in any way connected with, the subjects hereby disponed, and Building, or Place of Worship, erected, or to be erected, thereon, and appurtenances thereof: DECLARING always, that a Certified Copy, under the hands of the Moderator and Clerk, of the said General Assembly for the time being, or of the then immediately preceding General Assembly of the said body, or united body of Christians, or of the parties generally known, or understood, to hold those offices, for the time, shall always be legal and admissible evidence, in all actions, matters, and things, arising under, or out of, these presents, of the terms of any Act or Deliverance of the General Assembly of the said body, or united body of Christians, or Commission thereof, pronounced, passed, or that may be passed or pronounced; and that a Certificate, under the hand of the Moderator and Clerk of the said Assembly for the time being, or of the parties generally known, or understood, to hold those offices for the time, attached to such Certified Copy, and bearing the date of such Act or Deliverance, and Certifying that the same is, either wholly, or in part, an existing Act of the said Assembly, or Commission thereof, shall always be legal and admissible evidence, in all actions, matters, and things, as aforesaid, of the date of such Act or Deliverance of the said Assembly, or Commission thereof, and of its being still, either wholly or in part, an existing Act of Deliverance as aforesaid: AND DECLARING, further, that a Certified Copy of any Act or Deliverance of any of the Synods or Presbyteries of the said body or united body, under the hands of the Moderator and Clerk of any such Synod or Presbytery respectively, or of the parties generally known and understood to hold those offices for the time, shall always be legal and admissible evidence in all actions, matters, or things arising under or out of these presents, of the terms and date of any Act or Deliverance pronounced by any such Synod or Presbytery respectively: FIFTHLY, It is hereby expressly PROVIDED and DECLARED, That the said Trustees, or Trustee, acting for the time, shall always have full power and liberty to raise, prosecute, and follow forth, whatever action, suit, or proceeding, they may think proper, in whatever Court, or Courts, of Law or Justice, for the purpose, or with the intent and object, of excluding any party or parties whatsoever, from all or any use, possession, occupation, or enjoyment, of the Building or Place of Worship, erected or to be erected, as said is, or any part thereof, or generally of the subjects hereby disponed, or any part thereof; and that no party, or parties, whatsoever, shall have any right, or title, whatsoever, to defend such action, suit, or proceeding, either in virtue of these presents, or otherwise, unless with the express consent and concurrence, as aforesaid, of the General Assembly of the said body, or united body of Christians, or the Commission of such Assembly, previously had, to such defence; of which consent and concurrence, the only legal or admissible evidence shall be a written

Fourthly, Trustees to be subject in all things to the General Assembly.

Fifthly, Trustees to have power to sue.

And defence against such suits not to be maintainable except with consent of the Assembly or its Commission.

APPENDIX IV.

Certificate, under the hand of the Moderator and Clerk of the General Assembly of the said body, or united body of Christians, or of their then immediately preceding General Assembly, or under the hand of the parties generally known, or understood, to hold those offices for the time being; which written Certificate shall be produced along with such defence, otherwise the same shall not be maintainable, but be incompetent, void, and null, albeit such Certificate may really exist: SIXTHLY, It is hereby further expressly PROVIDED and DECLARED, That the said Trustees, or Trustee, acting for the time, shall not have power to burden the said Building, or Place of Worship, or appurtenances thereof, or, generally, the subjects hereby disponed, or any part of thereof, with any debts or sums of money, or to sell, alienate, or dispone the same, or any part thereof, unless for the purpose of providing another Place of Worship for behoof of the said body or united body of Christians, in a more suitable or convenient situation; and then only with the consent, first had and obtained, of the General Assembly for the time being, of the said body, or united body of Christians; of which consent the only legal and admissible evidence shall be a Certificate under the hand of the Moderator and Clerk of the General Assembly, for the time being, or of the then immediately preceding General Assembly, or under the hand of the parties generally known, or understood, to hold those offices for the time: PROVIDED ALWAYS, however, and DECLARING, that if, at any time, sufficient provision shall not be made by the Congregation in the use, occupation, and enjoyment of the said Building or Place of Worship, for the time being, or by the Deacons, or Elders acting as Deacons, thereof, for paying the feu-duties, public and parochial burdens, premiums of insurance, and ordinary charges attendant on the property, for keeping the same in repair, or otherwise, then the said Trustees, or Trustee, acting for the time, themselves making provision therefor, and in that case only, shall be entitled, for their relief of their advances for the purposes above mentioned, or any of them, to sell and dispose of the said Building, or Place of Worship, and generally the whole subjects hereby disponed, or any part thereof, free from the whole conditions and purposes of this trust; they always accounting to the General Trustees appointed by the said General Assembly upon the 27th day of May 1844 years, to hold any property to be bequeathed or conveyed to them for behoof of the said Free Church, or of the said body, or united body of Christians, and to the acceptors of the said General Trustees, or their successors in office, for the balance of the price thereof, after replacing any sums advanced, or provided by them for the purposes foresaid, or any of them, and all expenses attendant on the sale; but the purchaser, or purchasers, having, as he or they are hereby expressly declared to have, no concern whatever with such accounting; and the receipts of the Trustees, or Trustee, acting for the time, being always a sufficient discharge and exoneration to the purchaser, or purchasers, for payment of the price: BUT DECLARING always, as it is further hereby specially provided and declared, that in the event of such sale being considered necessary, an offer to sell the said subjects shall, in the first place, be made to the General Trustees foresaid, for payment of the sums which may have been expended by the said Trustees, and may be due to them as aforesaid: And the said General Trustees shall be entitled to purchase the said subjects for payment of the sums which may have been advanced by and may be due to the Trustees of the said Place of Worship, as aforesaid: And the said Trustees last mentioned, on receiving payment of the said sums, shall be bound and obliged to convey the said subjects to the said General Trustees accordingly: SEVENTHLY, It is hereby also expressly PROVIDED and DECLARED, That it shall, at all times, be in the power of any Trustees, or Trustee, whether hereby named, or that may be appointed in virtue of the powers and provisions hereinafter con-

Sixthly, Trustees not to burden or sell,

except with consent of Assembly,

or for relief of pecuniary liabilities,

and then to be accountable to the General Trustees.

Before sale to offer to General Trustees.

Seventhly, Trustees have power to resign,

tained, who may have acted in the said trust, to resign the Trusteeship; and that, in the event of any Trustees, or Trustee, whether named or to be appointed, as said is, ceasing to be members of the said body, or united body of Christians, then, and in that case, such Trustees, or Trustee, shall, *ipso facto*, cease to have any right to act under these presents, and the trust shall be thenceforward conducted by the other Trustees, as if such Trustees, or Trustee, ceasing as said is, were actually dead: EIGHTHLY, It is hereby further expressly PROVIDED and DECLARED, That it shall be, at all times, in the power of the Congregation in the use and occupation of the said Building, or Place of Worship for the time being, and such Congregation is hereby expressly empowered from time to time, and as often as to it shall seem proper and expedient, to appoint, at a meeting called on ten free days' notice, given from the pulpit, immediately after Divine Service in the forenoon, such notice always specifying the object for which the Meeting is called, Additional Trustees to act under these presents, along with the Trustees who, at the date of such appointment, are surviving and acting; and each and every Additional Trustee, so appointed, shall, by virtue of such appointment, be, *ipso facto*, instantly invested with the same right of property, and with all and every the same rights, powers, and privileges, as any individual Trustee who is actually named and designed in these presents, and infeft, or who may be infeft under the same; such Additional Trustee being, at the same time, always subject and liable, in the same way as such original Trustee, to the whole conditions, provisions, and declarations herein set forth: AND the said Trustees, or Trustee, acting for the time, shall on every occasion of such appointment of Additional Trustees, be bound and obliged to execute a formal Deed of Assumption of such Additional Trustees, containing a formal, and in all respects, complete conveyance of the subjects hereby disponed, in favour of such Additional Trustees and of themselves, and otherwise in terms of these presents; but such Additional Trustees shall, even before the execution of such conveyance, and immediately on their appointment, as said is, have the full right, power, and privilege, of acting in the trust in the same way as any individual Trustee actually named and designed in these presents, and infeft, or who may be infeft under the same: NINTHLY, It is hereby specially PROVIDED and DECLARED, That if, at any time hereafter, one-third of the whole ordained Ministers having the charge of Congregations of the said body, or united body of Christians, or any larger number of the said ordained Ministers, having charges as aforesaid, shall simultaneously, or within a consecutive period not exceeding three calendar months, not only publicly separate from the said body or united body of Christians, but at the same time publicly claim and profess to hold, truly and *in bona fide*, the principles of the Protest of 18th May 1843, hereinbefore recited, and to be carrying out the objects of the said Protest more faithfully than the majority of the Ministers of the said body, or united body of Christians, and shall unite in forming one body of Christians, having Kirk-Sessions, Presbyteries, Provincial Synods, and a General Assembly, then, and in that case, and anything herein to the contrary notwithstanding, it shall be competent to, and in the power of, a majority of the Congregation, in the use, occupation, and enjoyment of the said Building or Place of Worship, for the time, to provide and declare, by a Deed of Declaration and Appointment under their hands, to that effect duly executed, that the ground hereby disponed, and Building or Place of Worship then upon the same, shall, from thenceforward, be held as in connection with the body of Christians adhering to the Ministers who shall have separated as aforesaid; and, for this purpose, to require and appoint the said Trustees, or Trustee, acting under these presents for the time, to convey and dispone the ground hereby disponed, and the Building, or Place of Worship, then upon the

and their office to fall if they cease to be Members of Free Church.

Eighthly, Congregation to have power of appointing additional Trustees.

Ninthly, Provision for the event of a Disruption.

APPENDIX IV.

same, and whole appurtenances thereof, to any three or more Trustees in the said Deed of Declaration and Appointment named, to be held by such new Trustees, and their successors in trust as after mentioned; And, on such Deed of Declaration and Appointment being executed as said is, the Trustees, or Trustee, acting under these presents for the time, shall be bound and obliged, as they are hereby bound and obliged, at the expense always of the receivers, and on being entirely freed and relieved of all pecuniary obligations then affecting the subjects hereby disponed, or Buildings thereon, or affecting them as Trustees, or Trustee under these presents, or for or to which they, as such Trustees or Trustee, may be subject or liable, but no sooner or otherwise, to convey and dispone the ground hereby disponed, and the Building or Place of Worship, then upon the same, and whole appurtenances thereof, to the said new Trustees who shall be in the said Deed of Declaration and Appointment named, and their successors, in trust for the said persons, subscribers of the said Deed of Declaration and Appointment as a Congregation of the said body of Christians who shall have separated as aforesaid, and for the successors of such persons, forming such Congregation for the time being; such new Deed of Trust to be, *mutatis mutandis*, as nearly as possible in the terms and of the import of these presents, and to have for its object the placing the said Congregation of the said body of Christians who shall have separated as aforesaid, and the Minister of such Congregation, and the Elders and Deacons, and Elders acting as Deacons thereof, and the said body of Christians who shall have separated as aforesaid, and its Kirk-Sessions, Presbyteries, Provincial Synods, and General Assembly, and the said new Trustees themselves, in the same relation, respectively, to the ground hereby disponed, and Buildings thereon, and appurtenances thereof, and in the same relation to each other, in reference thereto, as was held before the granting of the said new Deed of Trust by the Congregation using, occupying, and enjoying the same in virtue of these presents, and the Minister of such former Congregation, and the Elders and Deacons, and Elders acting as Deacons thereof, and the said original body, or united body of Christians, and its Kirk-Sessions, Presbyteries, Provincial Synods, and General Assemblies, and the said Trustees, or Trustee, acting under these presents: TENTHLY, It is hereby expressly PROVIDED and DECLARED, That in the event of a Deed of Declaration and Appointment, and new Deed of Trust, being executed as aforesaid, the parties signing such Deed of Declaration and Appointment shall be subject and liable to pay and make good to the minority of the Congregation with whom they were previously connected, who did not sign the said Deed, and for behoof of the said body, or united body of Christians, with which also they were previously connected, a proportion of the net value of the subjects disponed by such new Deed of Trust, corresponding to the number of such minority, as compared with the number of subcribers to the said Deed of Declaration and Appointment: ELEVENTHLY, It is hereby expressly PROVIDED and DECLARED, That no person shall be deemed or taken to be an ordained Minister, having charge of a Congregation of the said body, or united body of Christians, in the sense of these presents, unless his name shall appear in an Annual Roll or List of Ordained Ministers, having charges of Congregations belonging to the said body, or united body of Christians, to be annually attested by the Moderator and Clerk for the time of the General Assembly of the said body, or united body of Christians; and that no person shall be deemed or taken to be an ordained Minister, having charge as aforesaid, in the sense of these presents, any longer than his name shall continue to appear in the said Annual Rolls or Lists, attested as aforesaid: TWELFTHLY, It is hereby further PROVIDED and DECLARED, That no person shall be deemed or taken to be a member of the Congregation, in the sense of these presents, or shall be entitled to vote or act in any of

Tenthly, Obligation to indemnify minority.

Eleventhly, Who to be deemed Ministers of Free Church.

the proceedings of the Congregation, unless the name of such person shall appear in the Annual Roll or List of the members of the congregation, in the use, occupation, and enjoyment of the said Place of Worship being in full communion with the said body, or united body of Christians, to be annually attested by the Presbytery connected with the said body, or united body of Christians, of the bounds in which such Place of Worship is situated; and in the event of a disruption as aforesaid, no person shall be entitled to vote or subscribe in relation thereto unless the name of such person shall have appeared on said Roll, attested as aforesaid, for at least twelve calendar months next immediately preceding the public separation or disruption aforesaid; and that no person shall be deemed or taken to be a Member of the Congregation in the sense of these presents, or shall be entitled to vote or act as aforesaid, any longer than his name shall continue to appear in the said Annual Rolls or Lists of Members of the Congregation, attested as aforesaid: THIRTEENTHLY, It is hereby further PROVIDED and DECLARED, That these presents are granted, and the foresaid subjects and others disponed, with the servitudes and under the conditions and declarations following, viz., (*here follow certain conditions, etc., which have reference exclusively to the ground of St. George's Free Church.*

Twelfthly, Who to be deemed Members of the Congregation.

Thirteenthly.

[THEN FOLLOW Obligation to Infeft. Procuratory of Resignation. Assignation to the Writs and Rents. Clause of Registration. Precept of Sasine, and other clauses in usual form.]

Dated 9th, 11th, and 12th, and recorded in the Books of Council and Session 13th November 1844.

NOTE.—*This Deed will be found unabridged in Acts* 1851, *Fol.* 377.

II. MODEL TRUST DEED OF THE UNITED PRESBYTERIAN CHURCH, WITH FORMS AND INSTRUCTIONS.

A.—MODEL TRUST DEED.

(*Dated 5th, and registered in the Books of Council and Session 9th May* 1892.)

WE, the Rev. James Black, Doctor of Divinity, minister of Wellington United Presbyterian Church, Glasgow, present Moderator, and the Rev. Thomas Kennedy, Doctor of Divinity, minister of North Richmond Street United Presbyterian Church, Edinburgh, and the Rev. William Blair, Doctor of Divinity, minister of the United Presbyterian Church in Dunblane, present Clerks, all of the Synod of the United Presbyterian Church, CONSIDERING that the said Synod, at a meeting held at Edinburgh on the fifth day of May in the year 1892, resolved that it was advisable that a deed should be made and executed setting forth the purposes for which the said Synod recommends that the heritable properties now belonging to or held for behoof of, or which may hereafter belong to or be held for behoof of, the various congregations which now are or may hereafter be in connection with or under the superintendence of the said Synod, should be held by the trustees in whom they are or shall be vested, and also the duties, powers, and privileges which the said Synod recommends should be conferred on and possessed by such trustees; and that the deed so to be made and executed should be registered in the Books of Council and Session for preservation, and in order that ready access to its terms might be had by congregations and others interested: AND FURTHER CONSIDERING that these presents having been submitted to the said Synod and considered by them, the said Synod at its said meeting on the said fifth day of May in the year 1892 approved thereof, adopted the same as containing a statement approved of by them of the said purposes, duties, powers, and privileges, and authorised us, the present Moderator and Clerks of the said Synod, to

APPENDIX IV.

Model Trust Deed of United Presbyterian Church.

subscribe the same on their behalf, and directed the same, on being completed, to be registered in the Books of Council and Session for preservation: THEREFORE We, the said James Black, Thomas Kennedy, and William Blair, Moderator and Clerks foresaid, do hereby, for and on behalf of and as authorised as aforesaid by the said Synod, DECLARE that these presents shall be called and known, and may be referred to, as "The Model Trust Deed of the United Presbyterian Church"; and that in these presents the following words or expressions shall have the following meanings—viz. the word "congregation," in the case of each congregation in connection with and under the superintendence of the Synod of the United Presbyterian Church who shall adopt this model trust deed, either without or with any variations, shall mean the persons, male and female, whose names are from time to time on the communicants' roll of the congregation, kept by the minister or session thereof, or who are recognised and held to be members in full communion by the said session or by the superior judicatories of the United Presbyterian Church; and the expression "trust subjects" shall mean the ground, buildings, or other heritable or real property or subjects belonging to or held for behoof of the congregation, and with reference to which the congregation shall adopt this model trust deed; and the expression "the trustees" shall mean the trustees in whom the trust subjects shall from time to time be vested, whether they shall consist of office-bearers, or of individuals named or elected and appointed as trustees, or partly of office-bearers and partly of individuals named or elected and appointed as trustees: AND FURTHER, We do hereby, for and on behalf of, and as authorised as aforesaid by, the said Synod, DECLARE that the trust subjects shall be vested in the trustees, in trust, for the purposes, and with the powers, privileges, and immunities after mentioned, viz.:—*First*, The trust subjects shall be held in trust for the use and behoof of the congregation; and in case of any split or division taking place in the Synod of the United Presbyterian Church whereby the members composing the said Synod may be separated into two or more bodies, or in the event of the said Synod uniting or resolving to unite with any other religious judicatory or denomination, the trust subjects shall be held in trust for the use and behoof of those members of the congregation, male and female, who shall adhere to and remain in connection with the body composed of those who adhere to the majority of the ministers and ruling elders who voted on the occasion of such division; or with the body composed of those who adhere to the Synod in the event of there being no division, or to the majority of the Synod in the event of there being a division, along with the ministers and ruling elders and members of any other body with which they may unite, as the case may be; and subject to the Synod or Assembly representing such body or bodies, to the exclusion of all other members or persons, so long as such members as shall adhere and remain as aforesaid shall be recognised as a congregation by the Presbytery of the bounds; and in case the members of the said congregation, or those adhering to and remaining in connection with the United Presbyterian Church, or the body or bodies hereinbefore described as aforesaid, and subject to the Synod or Assembly representing the same, shall, with any who may join them, be so few as not to be recognised as a congregation by the Presbytery of the bounds, or in case the whole members of the said congregation shall separate from and renounce their connection with the United Presbyterian Church, or the body or bodies hereinbefore described, either of which cases shall be conclusively proved by an order of the Presbytery of the bounds to drop the name of the said congregation from the Roll of the Presbytery, the trust subjects shall be held for behoof of the Synod or Assembly forming the Supreme Court for the time of the United Presbyterian Church, or of the body or bodies hereinbefore described, as the case may be; and shall be dealt

with and sold or otherwise disposed of or used, and the proceeds used or applied, all as such Synod, Assembly, or Supreme Court shall direct or authorise: and in case of any split or division taking place in the congregation itself, the trust subjects shall be held in trust for the members of the congregation, male and female, who may adhere to and remain in connection with, and subject to the United Presbyterian Church, or the body or bodies hereinbefore described. *Second*, The management, repair, and occupation of the trust subjects, and every transaction relative thereto, shall be conducted and performed by or with the consent of the Committee of Management, or of a body of deacons if any be, chosen by the congregation and appointed for such purposes from time to time, in conformity with its rules and regulations for the management of its secular and civil affairs; and the trustees acting for the time being shall be bound, so far as may be required of them, to act along with and give their sanction to the acts and deeds of such Committee of Management or deacons as the case may be, in all matters and things lawfully done by them in execution of the powers and duties entrusted to them. *Third*, It shall not be lawful to nor in the power of the trustees, excepting with the consent thereto of the congregation, previously had and obtained at a general meeting thereof, to make any extensive alteration or repair on the trust subjects; nor, excepting with such consent, and also with the consent and approval of the Presbytery of the bounds, to sell, lease for more than nineteen years, or otherwise dispose of the trust subjects, or to burden or affect them with debt. *Fourth*, Any special business relating to the administration of the trust, or requiring the consent and authority of the congregation, shall be decided on by a general meeting of the members of the congregation. *Fifth*, The trustees shall each year render a report of their management to the annual meet- of the congregation, to be held in terms of the rules or constitution of the congregation, accompanied with a statement of their acts and management and intromissions if any; DECLARING that the trustees shall not be liable for omissions, nor for one another, but each of them for his own actual intromissions only, deducting his necessary expenses and disbursements in the premises: and the trustees shall be entitled to be freed and relieved out of the trust subjects of any advances they may have lawfully made, and of any obligations or engagements they may have come under, in the necessary or proper discharge of the trust; but they shall not be entitled to require a discharge of their obligation for the feu-duty or rent and consequents so far as irredeemable, but only to be freed and relieved from the consequences thereof as the same may arise. *Lastly*, All meetings of the congregation for the purposes hereof shall be general meetings, whether annual or special, of the members, male and female, of the congregation, called by competent authority, and whereof intimation shall have been given at the regular and ordinary diets of public worship of the congregation immediately before the congregation is dismissed on the two Sabbaths next preceding the day on which the meeting is to be held; such intimation specifying all the purposes of the meeting except the submitting of the report and statement provided for by the immediately preceding article; and the acts and deeds of a majority of the persons qualified as members, male and female, who may assemble in virtue of an intimation made as aforesaid, shall be held valid and binding as the acts and deeds of the congregation; and a copy of the minute of such meeting, under the hand of the preses and clerk, narrating such intimation, shall be conclusive evidence of such intimation having been made, and of the resolutions come to at such meeting: ALL which purposes, duties, powers, and privileges, and conditions, provisions, and declarations shall remain binding on the trustees for the congregation, and on all others concerned, until and unless altered as hereinafter mentioned, and if so altered they shall as altered remain binding as aforesaid until again so altered. No such

APPENDIX IV.

alteration shall be made by the congregation excepting by a majority as after mentioned at two consecutive meetings of the members of the congregation to be called as above provided for this special purpose, which majority shall be not less than three-fourths of the members present at each meeting, and the second of which meetings shall be held at an interval of not less than three weeks after the time of holding the first; and no such alteration shall take effect or be operative until it shall have been approved of by the Presbytery of the bounds, and such approval shall have been confirmed by the said Presbytery at a subsequent meeting held at an interval of not less than ten days after the meeting at which the approval shall have been given; and if the Presbytery of the bounds shall not approve of such alteration within three months of the second congregational meeting aforesaid, or shall not confirm their approval within three months of their meeting at which they approve of the alteration, such alteration shall not take effect nor become operative. AND WE, for and on behalf foresaid, and as authorised as aforesaid, CONSENT to registration hereof for preservation.—IN WITNESS WHEREOF, these presents, written on this and the three preceding pages by Peter M'Murray, clerk to William Robson, Solicitor in the Supreme Courts of Scotland, Edinburgh, are subscribed by us, the said James Black, Thomas Kennedy, and William Blair, all at Edinburgh, upon the fifth day of May in the year eighteen hundred and ninety-two, at a meeting of the said Synod, in presence thereof and before these witnesses, the said William Robson and John Knox Crawford, also Solicitor in the Supreme Courts of Scotland, Edinburgh.

JAMES BLACK, D.D., *Moderator.*
THOMAS KENNEDY, D.D., *Clerk.*
WILLIAM BLAIR, D.D., *Clerk.*

WILLIAM ROBSON, *Witness.*
J. KNOX CRAWFORD, *Witness.*

B.—FORMS OF DISPOSITION.

1. *Form of Disposition in favour of Office-Bearers and Managers.*

I, A. B., heritable proprietor of the subjects after disponed, in consideration of the sum of instantly paid to me by C. D., treasurer of the United Presbyterian congregation of , as the price and value of the said subjects, of which I hereby acknowledge the receipt, and discharge the said C. D. and all others concerned, do hereby SELL, ALIENATE, and DISPONE to and in favour of the Reverend E. F., present minister, G. H., I. J., etc., present elders, and K. L., M. N., etc., present members of the Committee of Management (or presently deacons) of the said congregation, while they respectively continue to hold the said offices of minister, elders, and members of the Committee of Management (or deacons) foresaid, and their successors in office, the minister or ministers, elders, and members of the Committee of Management (or deacons) of the said congregation for the time being, duly elected and appointed in terms of the rules and practice of the United Presbyterian Church, and the Reverend O. P., presently moderator, and the Reverend Q. R., presently clerk of the United Presbyterian Presbytery of , under whose inspection the said congregation are, while they continue to hold the said offices of moderator and clerk aforesaid, and their successors in office, the moderator and clerk for the time being of the said Presbytery, while the said congregation shall remain under the inspection of the said Presbytery, or the moderator and clerk for the time being of any other or different Presbytery with which the said congregation may afterwards be connected, or under whose inspection they may be placed, as trustees for the use and behoof of the said United Presbyterian congregation of , in connection with and under the inspection of the Synod of the United Presbyterian Church and Presbyteries thereof, as a

site for a church or place of worship (or "for a manse or dwelling-house for the minister," or otherwise as the case may be), and to the assignees of the said trustees, heritably and irredeemably: ALL and WHOLE (*here describe the property*), together with all my right, title, and interest present and future therein: BUT that IN TRUST always for behoof of the said congregation, for the purposes, with the powers, privileges, and immunities, and subject to the duties set forth and specified in the Model Trust Deed of the United Presbyterian Church, executed by the Reverend James Black, Doctor of Divinity, then Moderator, and the Reverend Thomas Kennedy, Doctor of Divinity, minister of North Richmond Street United Presbyterian Church, Edinburgh, and the Reverend William Blair, Doctor of Divinity, minister of the United Presbyterian Church in Dunblane, then Clerks, all of the Synod of the United Presbyterian Church, for and on behalf of, and as authorised by, the said Synod, dated 5th, and registered in the Books of Council and Session 9th May 1892, which is hereby adopted as the statement of the purposes for which the said subjects shall be held by the said trustees, and of the powers, privileges, immunities, and duties of the said trustees, without prejudice to any further powers, privileges, and immunities possessed by or pertaining to them by law, and not inconsistent with those contained in the said Model Trust Deed: With entry at the term of (*here specify the date of entry, and continue the deed in usual form*).

2. *Form of Disposition in favour of Individuals as Trustees.*

I, A. B., heritable proprietor of the subjects after disponed, in consideration of the sum of instantly paid to me by C. D., treasurer of the United Presbyterian congregation of , as the price and value of the said subjects, of which I hereby acknowledge the receipt, and discharge the said C. D. and all others concerned, do hereby SELL, ALIENATE, and DISPONE to and in favour of E. F., G. H., etc., and such other person or persons as may be elected and appointed in manner after specified, and the Reverend, J. K., present moderator, and the Reverend L. M., present clerk, of the United Presbyterian Presbytery of , under whose inspection the said congregation are, while they continue to hold the said offices of moderator and clerk aforesaid, and their successors in office, the moderator and clerk for the time being of the said Presbytery, while the said congregation remain under the inspection of the said Presbytery, or the moderator and clerk for the time being of any other or different Presbytery with with which the said congregation may afterwards be connected, or under whose inspection they may be placed, as trustees for the use and behoof of the said United Presbyterian congregation of , in connection with and under the inspection of the Synod of the United Presbyterian Church and Presbyteries thereof, as a site for a church or place of worship (or "for a manse or dwelling-house for the minister," or otherwise as the case may be), and to the assignees of the said trustees, heritably and irredeemably: ALL and WHOLE (*here describe the property*), together with all my right, title, and interest present and future therein: BUT that IN TRUST always for behoof of the said congregation, for the purposes, with the powers, privileges, and immunities, and subject to the duties set forth and specified in the Model Trust Deed of the United Presbyterian Church, executed by the Reverend James Black, Doctor of Divinity, then Moderator, and the Reverend Thomes Kennedy, Doctor of Divinity, minister of North Richmond Street United Presbyterian Church, Edinburgh, and the Reverend William Blair, Doctor of Divinity, minister of the United Presbyterian Church in Dunblane, then Clerks, all of the Synod of the United Presbyterian Church, for and on behalf of, and as authorised by, the said

APPENDIX IV. Synod, dated 5th, and registered in the Books of Council and Session, 9th May 1892, which is hereby adopted as the statement of the purposes for which the said subjects shall be held by the said trustees, and of the powers, privileges, immunities, and duties of the said trustees, without prejudice to any further powers, privileges, and immunities possessed by or pertaining to them by law, and not inconsistent with those contained in the said Model Trust Deed: DECLARING FURTHER, that in case any of the said trustees other than the moderator and clerk for the time being of the said Presbytery, or of those who may be elected in manner hereinafter mentioned, shall cease to be in full communion with the said congregation, or shall remove beyond the fellowship of the said congregation with the view of permanent residence, or shall connect himself with any other congregation, whether in the same or any other communion, or shall cease from whatever cause to be a member of the said congregation, such trustee or trustees shall be *ipso facto* disqualified, and cease to be a trustee in the same way as if he were naturally dead: AND FURTHER, that it shall, on the one hand, be lawful to and in the power of any of the trustees, other than the moderator and clerk for the time being of the said Presbytery, original or elected, to resign office at any time; and, on the other hand, it shall be lawful to and in the power of the members of the said congregation for the time being, assembled at any general meeting of the congregation to be called and intimated as prescribed in the said Model Trust Deed, to supersede and remove any trustee or trustees, original or to be elected as aforesaid, other than the moderator and clerk for the time being of the said Presbytery; and in the event of a resolution to that effect being passed at such meeting, such trustee or trustees shall be disqualified from further acting, and shall cease to hold office in the same way as if he or they were naturally dead; AND FURTHER DECLARING, that the said trustees shall not have power to assume new trustees, but that it shall be lawful to and in the power of the members of the said congregation for the time being, assembled at any general meeting thereof, called and intimated as aforesaid, to elect and appoint any person or persons, being members of the said congregation at the time, to be trustee or trustees along with the trustee or trustees who may be surviving and remaining qualified, or in place of any or all who may have been disqualified, or have deceased, or been removed; and any person or persons who may be so elected and appointed shall, in virtue of such appointment, and of "The Titles to Land Consolidation (Scotland) Act, 1868," sec. 26, be *ipso facto* vested with the same rights of property, and the same powers, on the same conditions and for the same purposes, as the trustees named and designed in these presents: With entry at the term of (*here specify the date of entry, and continue the deed in usual form*).

C.—FORMS IN CONNECTION WITH ELECTION OF TRUSTEES AND ADOPTION OF RULES.

1. *Form of Intimation for calling a Meeting to elect Trustees.*

Notice is hereby given, that in consequence of an order from the session, a general meeting of this congregation will be held in this place on the evening of , the day of curt., o'clock, for the purpose of electing new trustees.

Note.—In reference to the time of the meeting, etc., regard must be had to any provisions on the subject in the trust-deed or constitution of the congregation.

2. *Form of Certificate of Intimation.*

I, A. B [*designation*], hereby certify that I officiated as minister [*or precentor, as the case may be*] of the United Presbyterian congregation

of on Sabbath the day of , and that on that occasion, immediately after public worship, and before the congregation had retired, in consequence of an order to that effect from the Session of said congregation [*or otherwise, as the case may be*], I intimated that a general meeting of the said congregation would be held, etc. [*repeating words of intimation*].

C. D., *Witness.* (Signed) A. B., *Minister,*
E. F., *Witness.* *or Precentor.*

3. *Form of Minutes of Election of New Trustees.*

At , and within the church there of the United Presbyterian congregation of the day of Nineteen hundred and years, at o'clock, in consequence of an intimation from the pulpit [*or desk*] last Lord's day, —the said United Presbyterian congregation [*where necessary add, "formerly called or known by the name of* "] met. The meeting having been constituted by prayer, A. B. was elected preses, and C. D. was chosen clerk, with authority to sign these minutes in name and behalf of the meeting.

The names and desigations of the trustees as they stood at the day of , being the date of the last election, were read over, and it was found that the following. viz. :—

A. B., merchant in M——, and C. D., farmer in N——, have died;

That E. F., grocer in M——, and G. H., mason in P——, have become incapacitated;

That I. J., weaver in O——, has been removed;

And that K. L., merchant in P——, M. N., farmer in E——, and O. P., wright in O——, remain in office.

It was resolved in these circumstances to elect new Trustees, to act along with the said K. L., M. N., and O. P.,—and the following persons were proposed and seconded, and were, and hereby are, duly elected accordingly, viz. :—

R. S., merchant in E——,
S. T., baker in——,
U. V., etc.,

Making the trustees in whom, and in the survivors or survivor of them, the heritable property belonging to the congregation becomes now legally vested in terms of [*here specify the last disposition and infeftment, or lease*], and of the "Titles to Land Consolidation (Scotland) Act, 1868"; or, if the trustees' infeftment is prior to 1st January 1869, in place of the "Titles to Land Consolidation (Scotland) Act, 1868," insert "the Act 13 and 14 Vict. cap. 13, intituled 'An Act to render more simple and effectual the titles by which congregations or societies, associated for purposes of religious worship or education in Scotland, hold real property acquired for such purposes,'" the said K. L.,
M. N.,
O. P.,
R. S,
S. T.,
U. V., etc.

In witness whereof, this minute, written by the said C. D., clerk, on this and the preceding pages, is subscribed by the said A. B., preses of the said meeting, and the said C. D., clerk thereof, in presence of E. F., and G. H. (*designing them*) witnesses, present at said meeting.

E. F., *Witness.* A. B., *Preses.*
G. H., *Witness.* C. D., *Clerk.*

APPENDIX IV.

4. Form of Minutes of Congregation called for the Adoption of Rules.

The notice of the meeting and certificate of intimation should be in the terms given above, with the necessary alteration as to the object.

At , and within the church there of the United Presbyterian congregation of , the day of Eighteen hundred and years, at o'clock, in consequence of an intimation from the pulpit [*or desk*] last Lord's day,—the said United Presbyterian congregation [*where necessary, add, "formerly called or known by the name of "*] met. The meeting having been constituted by prayer, A. B. was elected preses, and C. D. was chosen clerk, with authority to sign these minutes in name and behalf of the meeting.

It was moved and seconded, That, seeing the title-deeds simply declare that the trustees [*or office-bearers*] therein mentioned, and their successors in office, are vested in the subjects therein contained, in trust for (*quote the words from the title*), it is expedient that the purposes of the trust should be more explicitly declared, and that rules and regulations should be adopted for the guidance of said trustees in the management of the trust, and to regulate the mode of appointment of their successors; and that the following declarations and rules and regulations should now be enacted, viz. (*here insert them as in Form 5 below*). This motion having been duly considered, and the proposed declarations and rules and regulations having been carefully gone over, article by article, the same were, and hereby are, adopted and enacted as the conditions and declarations, and rules and regulations, of the trust accordingly, to be henceforth as binding on the trustees now elected [*or, "at present in office"*], and their successors, as if the same had been contained in the title-deeds thereof.

In witness whereof, this minute, written by the said C. D., clerk, on this and the preceding pages, is subscribed by the said A. B. preses of the said meeting, and the said C. D., clerk thereof, in presence of E. F. and G. H. (*designing them*) witnesses, present at said meeting.

E. F., *Witness.* A. B., *Preses.*
G. H., *Witness.* C. D., *Clerk.*

5. Rules to be adopted by Congregations whose Title-Deeds do not specify Mode of electing Trustees, etc.

1. The said trustees and their successors in office are vested in the said subjects, and shall hold the same in trust for behoof of the congregation for the purposes, with the powers, privileges, and immunities, and subject to the duties set forth and specified in the Model Trust Deed of the United Presbyterian Church, executed by the Reverend James Black, Doctor of Divinity, then Moderator, and the Reverend Thomas Kennedy, Doctor of Divinity, minister of North Richmond Street United Presbyterian Church, Edinburgh, and the Reverend William Blair, Doctor of Divinity, minister of the United Presbyterian Church in Dunblane, then Clerks, all of the Synod of the United Presbyterian Church, for and on behalf of and as authorised by the said Synod, dated 5th, and registered in the Books of Council and Session 9th May 1892, which is hereby adopted as the statement of the purposes for which the said subjects shall be held by the said trustees, and of the powers, privileges, immunities, and duties of the said trustees, without prejudice to any further powers, privileges, and immunities possessed by or pertaining to them by law, and not inconsistent with those contained in the said Model Trust Deed.

2. The said trustees shall not have power to assume new trustees, but it shall be lawful to, and in the power of the congregation assembled at any general meeting thereof, called and intimated as prescribed in the

said Model Trust Deed, to elect and appoint any person or persons, being members of the congregation at the time, to be trustee or trustees along with the trustee or trustees who may be surviving and remaining qualified, or in place of any or all who may have been disqualified, or have deceased or been removed, and any person or persons who may be so elected and appointed shall, in virtue of such appointment, and of "The Titles to Land Consolidation (Scotland) Act, 1868," sec. 26 (*or* the Act 13 and 14 Vict. cap. 13, intituled "An Act to render more simple and effectual the titles by which congregations or societies, associated for purposes of religious worship or education in Scotland, hold real property acquired for such purposes," *as the case may be*), be *ipso facto* vested with the same rights of property, and the same powers, on the same conditions, and for the same purposes, as any individual trustee who is actually named and designed in the titles, and who may be infeft under the same—subject always to the whole conditions, provisions, and declarations set forth in the said Model Trust Deed, or contained in the title-deeds.

3. In case any of the said trustees, or of those who may be elected in manner hereinabove mentioned, shall cease to be in full communion with the congregation, or shall remove beyond the fellowship of the congregation with the view of permanent residence, or shall connect himself with any other congregation, whether in the same or any other communion, or shall cease from whatever cause to be a member of the congregation, such trustee or trustees shall be *ipso facto* disqualified, and cease to be a trustee or trustees in the same way as if he or they were naturally dead.

4. It shall, on the one hand, be lawful to and in the power of any of the trustees, original or elected, to resign office at any time; and, on the other hand, it shall be lawful to and in the power of the members of the congregation assembled at any general meeting of the congregation, to be called and intimated as aforesaid, to supersede and remove any trustee or trustees, original or to be elected as aforesaid; and in the event of a resolution to that effect being passed at such meeting, such trustee or trustees shall be disqualified from further acting, and shall cease to hold office in the same way as if he or they were naturally dead.

D.—General Directions for the Guidance of Congregations.

Revised in 1892 *by the Law Advisers of the Synod.*

1. Titles to congregational property may now, in virtue of the Act 31 and 32 Victoria, cap. 101, sec. 26 ("The Titles to Land Consolidation (Scotland) Act, 1868"), be taken (1) in favour of the moderator, minister, kirk-session, deacons, managers, or other office-bearers, and of their successors in office; (2) or of individuals specially named as trustees, and their successors in office; and the rights so taken will vest in their successors, "without any transmission or renewal of investiture whatsoever," provided that in other respects the provisions of the Act apply. Titles taken before the passing of the Act have the same privilege if the same conditions be fulfilled. The directions which follow will thus apply to all titles, old and new. The Synod recommends that in all cases where it can be done, office-bearers of the congregation, as such, rather than individuals, be appointed as trustees.

2. In order to obtain the benefit of the Act, it is necessary that the party or parties in whose favour the trust is originally created, or who have been assumed, should have been infeft in the property, if the nature of the right be one requiring infeftment.

3. It is also important, (1) That the deeds should expressly bear, that the trust is for behoof of the congregation; and (2) That the intended

use of the property should be stated. (See the whole section of the Act, page 234.)

4. If these conditions are complied with, it will follow that, after the death or resignation or removal from office of the party or parties infeft, the right vests in their "successors in office for the time being."

5. If the title is taken to office-bearers of the congregation as such, and to their successors in office as trustees, the election of new office-bearers completes their title as trustees without any further formality.

6. If the title is taken to individuals specially named as trustees and their successors in office, regard should be had to the following directions, viz. :—

(*a.*) It is important that the mode of appointment of successors in office should be prescribed in the title-deeds, and exactly followed in every election, and a record thereof carefully preserved.

(*b*) When the title-deeds do not prescribe the mode of appointment of successors in office, the congregation ought, at a meeting regularly called for the purpose, to adopt rules to regulate the matter. (See Forms 4 and 5, page 228.)

(*c*) In order that there may be evidence as to who are the successors in office, of the trustees, the congregation ought to keep a book in which there is inserted (1) the rules for the election of successors prescribed in the title-deeds, or adopted by the congregation; (2) the successive minutes of election themselves, or duplicates thereof, duly attested. These minutes should be prepared in a formal and accurate manner, and should be regularly signed by the preses of the meeting and clerk, and by two witnesses. (See Form 3, page 227.)

(*d*) The designation given to the congregation in the title-deeds should be carefully inserted in the minutes. In cases of congregations that existed before the Union in 1847, if the titles describe the congregation as "The United Associate Congregation of A——," or "The Relief Congregation of A——," the minute should repeat the designation, and add, "now known as the United Presbyterian Congregation of A——," or, reversing the order, "The United Presbyterian Congregation of A——, formerly called the United Associate Congregation of A——," or "The Relief Congregation of A——," as the case may be. (See Form 3, page 227.)

(*e*) Evidence should also be preserved that the meeting has been duly called in conformity to the rules either prescribed in the titles, or adopted by the congregation. A certificate under the hands of the minister or precentor who made the intimation, and by two witnesses, will serve for this purpose. (See Forms 1 and 2, pages 226, 227.)

7. It is important that the title-deeds should contain an agreement with the superior for a payment in lieu of every kind of casualties, as, where this is not done, the Act 31 and 32 Vict. cap. 101, sec. 113, provides that a sum corresponding to what would be demandable on the entry of a singular successor shall be payable every twenty-fifth year. This provision is re-enacted by Section 5 of the Conveyancing (Scotland) Act of 1874 (37 and 38 Vict. c. 94), and it is thereby further provided, that where a composition is by the titles payable at each sale or transfer, as well as on the death of each vassal, trustees must pay a composition every fifteen years instead of every twenty-five years, as above stated. Where, therefore, an agreement has not been inserted in the titles, an arrangement should be made with the superior on as favourable terms as possible. By Section 15 of the same Act (1874), all casualties may be redeemed by a single payment, and by Section 17 they may be converted into an annual payment at the rate of four per cent. on the amount required to redeem them. In feus constituted after 1st October 1874, it is enacted by Section 23 that casualties are not claimable by a superior unless by special stipulation, which, therefore, it is better to avoid if possible.

8. In order that title-deeds may be securely kept, it is very strongly recommended that they be put, for safe custody, into the hands of the Synod's Finance Committee, who shall grant a proper receipt for them.

9. THE SYNOD RECOMMENDS CONGREGATIONS TO ADOPT THE MODEL TRUST DEED, AND THE TRUST PURPOSES THEREIN SET FORTH, AS REGULATING THE TERMS ON WHICH THEIR PROPERTY SHALL BE HELD.

III. REVISED MODEL TRUST DEED OF THE REFORMED PRESBYTERIAN CHURCH OF SCOTLAND.

in favour of

Minister of the Congregation aftermentioned,
Elders of the Congregation aftermentioned, and
Deacons of the Congregation aftermentioned, and as such Minister, Elders, and Deacons respectively, constituting the Deacons'[1] Court of the Reformed Presbyterian Congregation in Scotland, now in ecclesiastical union with the Free Church of Scotland (the united Church so formed being known as the Free Church of Scotland), and which Congregation has been known since said union as The Free Church Congregation, and their successors in office constituting said Deacons' Court, as Trustees for behoof of said Congregation, and to the assignees and disponees whomsoever of them and their foresaids, heritably and irredeemably, ALL and WHOLE (*then follow the conditions of the Feu*). And the subjects hereby disponed are, at the desire and request of the said disponees, so disponed, and shall be accepted and held by said disponees and their foresaids with and under the conditions following, viz. :—(*Primo*) It is hereby provided and declared that the said subjects and the church or chapel and manse and appurtenances erected or to be erected thereon, shall be held by said trustees and their foresaids in trust for behoof of the members of said Congregation, whose names are duly registered in the communion roll of the said Congregation, professing the terms of ministerial communion agreed upon by the said United Church ; and the said church or chapel shall be used and occupied for the purposes of religious worship and education in connection with and for behoof of the said Congregation, and be made use of by such Congregation occupying and enjoying the same for the time being, in the manner in which, by the usages of the said United Church, places of religious worship may be or are in use to be occupied and enjoyed; and the said manse shall be used as a manse for the minister for the time being of the said Congregation, or for such other purpose, and in every event subject to such conditions as a majority of the members of said Congregation present at any Congregational Meeting duly called for the purpose may from time to time, with the consent in writing of the Synod, *quoad civilia*, of the said Reformed Presbyterian Church now in ecclesiastical connection foresaid, or of the General Assembly of the said United Church determine: (*Secundo*) It is hereby provided and declared that said disponees and their successors in office for the time being shall have full power and authority, but only with the consent of the said Synod, *quoad civilia*, of the said Reformed Presbyterian Church, or of the General Assembly of said United Church, first obtained thereto in writing, to borrow, upon interest, such sum or sums of money as they may find necessary for defraying the expenses of erecting buildings on the ground hereby disponed, or of altering, enlarging, or improving the buildings erected or to be erected on the said ground, or of erecting new buildings thereon, or for any other purpose connected therewith, and to grant bonds and dispositions in security over the said subjects in the most full and ample manner, with powers of sale and all other usual and necessary clauses

[1] Where there is no Deacons' Court, the title is taken to the Managers.

APPENDIX IV.

for the sum or sums of money which may be so borrowed, with the interest and consequents of the same: (*Tertio*) In the event of its being judged expedient and resolved upon at any time hereafter by two-thirds of the members of said Congregation in full communion at the time, present at any Congregational Meeting duly called to consider a proposal to that effect, to sell and dispose of the foresaid subjects, said disponees and their foresaids vested for the time being in said subjects shall, but only with the consent of the said Synod, *quoad civilia*, or of the said General Assembly first obtained thereto in writing, and subject to such conditions as may be specified by the said Synod, *quoad civilia*, or by the said General Assembly, have full power and authority to sell and dispose of the same, either by public roup or private bargain, to receive and discharge the price thereof, and to grant, execute, and deliver all contracts of sale, articles of roup, dispositions, and other deeds or writings necessary for completing the said sale to and vesting the said subjects in the purchaser or purchasers in the most ample and valid manner; but the price or prices that may be obtained for the said subjects in the event of a sale shall be applied, in the first place, towards payment of any heritable debt with which the same may be burdened; and, in the second place, towards the purchase or erection of another church or chapel and manse and appurtenances for said Congregation (if such shall be duly resolved on by the said Congregation) to be held for the same trust purposes and under the same conditions as are hereinbefore expressed with reference to the subjects hereby disponed, or for such other purposes as two-thirds of the members of the said Congregation in full communion at the time, and whose names shall have been at least twelve months on the communicants' roll of the said Congregation previous to such direction being given, present at any Congregational Meeting duly called to consider as to the disposal of such price or any balance thereof, may, with the consent in writing of the said Synod, *quoad civilia*, or the said General Assembly direct: (*Quarto*) In the event of any one or more of the parties vested for the time being in said subjects, and who may be personally bound for sums to be borrowed on the security of said subjects, or for the feu-duty or ground annual or tack-duty payable therefor, being at any time distressed by receiving a charge for payment of any sum of money to be borrowed on security of said subjects, or of the interest thereof, or of feu-duty, ground annual, or tack-duty payable for said subjects, the person or persons so distressed shall be entitled, if not relieved from said distress within one month after such distress shall be intimated to the others then vested along with him or them in said subjects, and also to the clerk for the time being of the said Synod, *quoad civilia*, or to any of the clerks of the said General Assembly, to require the parties vested as aforesaid to sell or dispose of said subjects in order to provide funds for the liquidation of the sum or sums for which such person or persons may be distressed; and the persons then vested therein shall thereupon be bound either immediately to pay such sum or sums, or to proceed to sell and dispose of said subjects; and the persons then vested as aforesaid shall, on being so required, have full power, without the consent of the said Synod or of the said General Assembly, to sell said subjects by public roup after three weeks' advertising in one Edinburgh and one Glasgow newspaper; and in the event of the subjects being situated outwith Edinburgh or Glasgow, also in any newspaper which may then be published in the town or district in which said subjects are situated; and to grant dispositions in favour of the purchasers; and the prices to be obtained shall be applied, firstly, in payment of any heritable debts affecting the subjects, and of any feu-duties, ground annuals, or tack-duties, due for the time; secondly, in relief of the person or persons, who may have been distressed, as aforesaid, of all sums which he or they may have been compelled to advance or pay in the premises; and lastly, towards the purchase and erection

of another church, or chapel, and manse, and appurtenances, if such shall be resolved on by the Congregation, or in such other way as two-thirds of the members of the Congregation, in full communion at the time, and whose names shall have been at least twelve months on the communicants' roll of said Congregation previous to such direction being given, present at any Congregational Meeting, duly called to consider as to the disposal of such price or any balance thereof, may, with the consent in writing of the said Synod, *quoad civilia*, or of the said General Assembly direct: (*Quinto*) That two-thirds of the persons vested for the time being in said subjects shall be a quorum for granting bonds and dispositions in security, dispositions and other deeds affecting the foresaid subjects: (*Sexto*) That persons lending money on the security of said subjects, or paying the price thereof to said disponees or their foresaids, shall have no concern with, or right to inquire, as to the application of the sums so lent or paid; but the receipt of the persons then vested in said subjects for the time being shall be sufficient exoneration for the same: and (*Septimo*) that in the event of their being, at any time hereafter, a split or schism in said United Church, arising out of or founded on any resolution adopted at any meeting of the General Assembly of said Church, the subjects hereby disponed shall be held by the Trustees, then vested therein, for behoof of that section of the members of said Congregation who shall adhere to the majority of ordained ministers holding charges in said United Church at the date of such resolution; but in the event of a minority, consisting of at least one-third of such ordained ministers, holding charges as aforesaid, publicly professing and claiming to hold the principles of said United Church more faithfully than the majority, and uniting in one body of Christians to maintain these principles; and in the event of a resolution to adhere to said minority being carried by a majority of the members of the congregation present at a meeting of the Congregation duly called, and such resolution being afterwards approved of, and confirmed in writing, by two-thirds of the members whose names shall then have been twelve months on the communicants' roll of said Congregation, and who shall at the time be in full communion therewith, and provided said last-mentioned resolution shall be so carried, approved of, and confirmed within three months of the date of the resolution through which said split or schism took place, then, and in that event, the subjects hereby disponed shall be held for behoof of said two-thirds of the Congregation adhering to said minority of ordained ministers holding charges as aforesaid, on their relieving the other members of the said Congregation of all liability in connection with said subjects (*Then follow the usual clauses applicable to the particular Deed being granted*).

IV. Acts of Parliament referred to in Model Trust Deeds and Directions.

1. *Act* 31 *and* 32 *Vict.* 1868, *Cap.* 101.

An Act to Consolidate the Statutes relating to the Constitution and Completion of Titles to Heritable Property in Scotland, and to make certain changes in the Law of Scotland relating to Heritable Rights (31st July 1868). Titles to Land Consolidation Act, 1868.

N.B.—It is important to notice that this Act REPEALS, *inter alia* the Act 13 and 14 Vict. 1850, cap. 51, entitled "An Act to render more simple and effectual the Titles by which Congregations or Societies associated for purposes of Religious Worship or Education in Scotland hold real property required for such purposes."

APPENDIX IV.

The following are portions of this Act (1868) which relate to Ecclesiastical or School property :—

CLAUSE III. (the Interpretation Clause) provides that "the word 'Lands' shall extend to and include all Heritable Subjects, Securities, and Rights."

CLAUSE XXVI. Wherever lands have been or may hereafter be acquired by any Congregation, society, or body of men associated for religious purposes, or for the promotion of Education, including the General Assemblies, Synods, and Presbyteries of the Established Church of *Scotland*, and of all other Presbyterian Churches in *Scotland*, as a chapel, meeting-house, or other place of worship, or as a manse or dwelling-house for the minister of such congregation or society or body of men, or offices, garden, or glebe for his use, or as a schoolhouse or schoolmaster's house, garden, or playground, or as a college, academy, or seminary, or as a hall or rooms for meeting for the transaction of business, or as part of the property belonging to such congregation, society, or body of men, and wherever the conveyance or lease of such lands has been or may be taken in favour of the moderator, minister, kirk-session, vestrymen, deacons, managers, or other office-bearers, or office-bearer of such congregation or society, or body of men, or any of them, or of trustees appointed, or to be from time to time appointed, or of any party or parties named in such conveyance, or lease in trust for behoof of the congregation or society or body of men, or of the individuals comprising the same, such conveyance, when recorded with warrant of registration thereon in terms of this Act, or when followed by notarial instrument expede, and with warrant of registration thereon recorded in terms of this Act, or such lease, shall not only vest the party or parties named therein in the lands, thereby feued, conveyed, or leased, but shall also, after the death or resignation or removal from office of such party or parties, or any of them, effectually vest their successors in office for the time being chosen and appointed in the manner provided or referred to in such conveyance or lease, or if no mode of appointment be therein set forth or prescribed, then in terms of the rules or regulations of such congregation or society or body of men, in such lands, subject to such and the like trusts, and with and under the same powers and provisions as are contained or referred to in the conveyance or lease given and granted to the parties, disponees, or lessees therein, and that without any transmission or renewal of the investiture whatsoever, anything in such conveyance or lease contained to the contrary notwithstanding: And the provisions of this section shall apply also to all trusts for the maintenance, support, or endowment of ministers of religion, missionaries, or schoolmasters, or for the maintenance of the fabric of churches, chapels, meeting-houses, or other places of worship, or of manses or dwelling-houses or offices for ministers of the gospel, or of schoolhouses or schoolmasters' houses, or other like buildings.

CLAUSE CXIII. Where no agreement shall have been made or shall be made with the superior of lands of the nature referred to in the twenty-sixth section of this Act for a periodical or other payment in lieu of the casualty or composition payable by law or in terms of the investiture upon the entry of heirs and singular successors, or where the casualty and composition shall not have been taxed, and where by law and under the terms of the investiture composition as on the entry of a singular successor would be, or but for the provisions of the said section would have been, payable upon the entry of any party or parties as successors to the party or parties in whose name the titles shall have been expede and recorded as provided by the said section, it shall be lawful for such superior, at the death of the existing vassal in such lands, and at the expiration of every period of twenty-five years thereafter, so long

as such lands shall belong to or be held for behoof of such congregation or society or body of men, to demand and take from such congregation or society or body of men, or other party or parties to whom such lands may have been or shall be feued or conveyed, or by whom the same may be held for their behoof, a sum corresponding to the casualty or composition, if any such shall in the circumstances be due, which would have been payable upon the entry of a singular successor therein; and such payments shall be in full of all casualties of entry and composition payable to the superior for or furth of such lands, while the same shall remain the property or be held for behoof of such congregation or society or body of men, and the superior shall have all such and the like preference and execution for the recovery of such sums as superiors have for the recovery of casualties of superiority according to law: Provided always, that where such casualty or composition shall not have been taxed in the investiture, and the lands so feued or conveyed shall not be situated in the town or village or in the immediate vicinity thereof, the casualty or composition payable therefor shall be held to be the annual rent or annual value of the lands so feued or conveyed, if let as an agricultural subject at the time when such casualty or composition shall become due and exigible in virtue of this Act.

2. *Act* 37 *and* 38 *Vict., Cap.* 94.

An Act relating to Land Rights and Conveyancing, and to facilitate the Transfer of Land in Scotland (7th August 1874).

Conveyancing (Scotland) Act, 1874.

Sec. V. Unless where it has been or shall be otherwise stipulated, Corporations shall pay at the date at which the first composition would have been payable if this Act had not been passed, and every twenty-fifth year thereafter, a sum equal to what but for the passing of this Act would have been payable on entry by a singular successor; and where a composition payable on the death of the vassal shall become exigible from any trustee or body of trustees, another composition shall be payable at the end of every twenty-five years, so long as the lands shall be vested in such trustee or trustees; and where by the terms of the feu rights of the lands a taxed composition is payable on the occasion of each sale or transfer of the property, as well as on the occasion of the death of each vassal, and a composition shall in consequence of the acquisition of the property become exigible from any corporation or from any trustee or body of trustees, another composition, unless where it has been or shall be otherwise stipulated, shall be payable at the end of every fifteen years from the date of such acquisition by such corporation or trustee or trustees, so long as the lands shall be vested in such corporation or trustee or trustees, with such interest, if any, as may be stipulated for in the feu rights during the not payment of casualties; provided always that in the event of such corporation or of such trustee or trustees ceasing to be proprietors of the lands after having paid a composition or compositions in terms of this section the successor of such corporation or of such trustee or trustees who shall be duly infeft in the lands at the expiration of twenty-five years where a composition is payable on the death of the vassal, or at the expiration of fifteen years where a composition is payable on the occasion of each sale or transfer as well as on the occasion of each death, from the date of the last payment of composition as aforesaid, shall then pay a composition, and the casualties for and in respect of such lands shall thereafter become due and payable at the same time and in the same manner as if such lands had never been vested in such corporation or in such trustee or trustees; and where by the terms of the feu rights of the lands a taxed composition is payable on the occasion of each sale or transfer of the property as well as on the

APPENDIX IV.

occasion of the death of each vassal, and where an entry is implied in terms of this Act in favour of two or more parties having separate interests as life-renter and fiar respectively or as successive life-renters, a composition, or in the case of parties interested *pro indiviso* a rateable share of a composition, shall be due by and exigible from each of the parties who shall take or derive benefit under the implied entry in the order in which they shall severally take or derive benefit under such implied entry, with such interest, if any, as may be stipulated for in the feu right during the not payment of casualties.

SEC. XLV. When by the tenor of the title to any estate in land held in trust duly completed in favour of the trustee or trustees therein named, or any of them, and recorded in the appropriate register of sasines, the office of a trustee has been or shall be conferred upon the holder of any place or office, or proprietor of any estate, and his successors therein, any person subsequently becoming a trustee by appointment or succession to the place or office or estate to which the office of trustee has thus been or shall be annexed, shall be deemed and taken to have a valid and complete title by infeftment in the estate, in the same manner and to the same effect as if he had been named in the completed and recorded title, without the necessity of any deed of conveyance or other procedure.

V. ANENT APPOINTMENT OF GENERAL TRUSTEES.

Act VII., October 1900.

Edinburgh, 31*st October* 1900. *Sess.* 1.

Appointment of General Trustees.

WHEREAS by various Acts of the General Assembly of the Free Church of Scotland, certain trustees were appointed for the purpose of holding property: And whereas by Act of the said General Assembly of the Free Church of Scotland, dated 30th October 1900, the General Assembly, *inter alia*, with the view of facilitating the administration of the enlarged body of Trustees hereinafter appointed, directed and empowered the General Trustees of the Free Church of Scotland, as soon as required after the Union was effected, to transfer and convey all property and funds held by them in terms of the Acts of Assembly at the time of the Union to the enlarged body of Trustees of the United Free Church of Scotland, whose acceptance should be a full discharge and it was enacted and declared that they and their successors in office, to be from time to time appointed by the General Assembly of the United Free Church of Scotland, should be the successors in office of the present General Trustees of the Free Church of Scotland, and it was thereby declared at the same time that the body of General Trustees of the Free Church of Scotland should continue to act as such after the Union for the purpose of receiving and transferring to the Trustees of the United Church any property or funds which might be or which might come into their hands as Trustees of the Free Church.

And whereas by various Resolutions of the Synod of the United Presbyterian Church, the members of the Finance Committee of that Church were appointed Trustees for the purpose of holding the property and funds of the Church: And whereas by Act of the Synod of the United Presbyterian Church, dated 30th October 1900, the Synod, *inter alia*, with the view of facilitating the administration of the said enlarged body of Trustees, directed and empowered the Finance Committee of the United Presbyterian Church, as soon as required after the Union was effected, to transfer and convey all property and funds held by them at the time of the Union to the said enlarged body of Trustees of the United Free Church of Scotland, whose acceptance should be a full dis-

charge: And it was enacted and declared that the said enlarged body of Trustees and their successors in office, to be from time to time appointed by the General Assembly of the United Free Church of Scotland, should be the successors in office of the Finance Committee of the United Presbyterian Church of Scotland: And it was thereby declared at the same time that the Finance Committee of the United Presbyterian Church should continue to act as such after the Union for the purpose of receiving and transferring to the Trustees of the United Church any property or funds which might be or which might come into their hands as such Finance Committee or as Trustees of the United Presbyterian Church.

And whereas the Union of the Free Church of Scotland and the United Presbyterian Church has now been effected under the name of the United Free Church of Scotland, and it is right and proper that the General Assembly of the United Free Church of Scotland should confirm the said Acts of the Free Church of Scotland and of the Synod of the United Presbyterian Church, dated respectively 30th October 1900.

Therefore the General Assembly of the United Free Church of Scotland do hereby confirm, ratify, and approve of the said Act of the General Assembly of the Free Church of Scotland, dated 30th October 1900, and the said Act of the Synod of the United Presbyterian Church, dated 30th October 1900, and do hereby confirm the appointment of Trustees made by the said respective Acts; and do hereby of new but without prejudice to the said Acts nominate and appoint the following (*here follow the names*); to be General Trustees to hold the property formerly held by the General Trustees of the Free Church of Scotland, and the property held by the members of the Finance Committee of the United Presbyterian Church, as Trustees for that Church now belonging to the United Free Church of Scotland, and all property heritable and moveable presently belonging or which may at any time belong to the United Free Church of Scotland; Declaring that the said Trustees and their successors in office, to be from time to time appointed by the said General Assembly, shall hold the said property heritable and moveable for behoof of the United Free Church of Scotland, or any united body of Christians composed of them and of such other body or bodies of Christians as the said United Free Church of Scotland may at any time hereafter associate with themselves under the foresaid name of the United Free Church of Scotland, or under whatever name or designation they may assume; and also to hold such places of worship as may be erected on sites granted on Entailed Estates under the provisions of the Statute 3rd and 4th Vict. cap. 48; and in regard to which it has been provided in the Decree authorising the Conveyance that the Trustees shall be parties nominated by the General Assembly; and also such other places of worship as the parties interested may convey to them; and the General Assembly enact and declare that any three of the General Trustees shall be a quorum for all purposes; and they further declare that it shall be in the power of the General Assembly from time to time to nominate and appoint new or additional Trustees to act along with or after the death of the Trustees remaining and acting at the time of such nomination and appointment: And the General Assembly further declare that in the event of any of the said Trustees ceasing to be a member of the United Free Church of Scotland, he shall thereafter cease to be a Trustee: And further that the General Assembly shall have power at any time to remove any of the said Trustees from their office of Trustee. The General Assembly also direct the several Committees to whom money has been or may be left or doted for the purpose of being mortified, and the interest applied to the object of the particular Committees to invest the same not in their own names, but in the names of the General Trustees, and they instruct the General Trustees to lay before the Assembly each year a Statement similar to that yearly presented to the General Assembly of the Free Church of Scotland.

APPENDIX IV.

VI. ACTS ANENT SALES AND TRANSFERENCE OF PROPERTY.

1. *Act VIII.*, 1863.

The General Assembly hereby ENACT and ORDAIN—

Sales and Transference of Property.

1. That all applications for sale or transfer of Church property shall proceed from the Deacons' Court with concurrence of the congregation, and shall have the sanction of the Presbytery of the bounds; and that all such applications, on being received by the Clerks of Assembly, shall be communicated to the Custodier of title-deeds (or Committee charged with that matter), in order that he (or they) may be prepared to advise the Assembly or its Committee in reference to the application.

2. That when a property is to be sold, and the proceeds are forthwith to be applied to another property, to be substituted in lieu thereof, the Custodier of titles (or Committee) shall be directed to see the transaction carried into effect, and also to see that the title-deeds of the new property are taken in the same terms as those of the old, or in terms of the model trust-deed.

3. When the proceeds of the property to be sold or transferred are not to be immediately applied, they shall be deposited or invested, in the meantime, in name of the General Treasurer of the Free Church, for behoof of the congregation.

2. *Act X.*, 1875.

Duty of Custodier of Titles.

With reference to Act VIII. of Assembly 1863, the General Assembly enact and ordain that in cases of sales and transference of property, it shall be the duty of the Custodier of Titles to report annually to the General Assembly how far in each particular case the provisions of the said Act and the instructions of the General Assembly have been observed.

3. *Act IV.*, 1889.

Duration of authority to sell.

The Assembly declare that no authority granted by them for the sale or transference of Church property shall be acted on, after a lapse of five years from its date, without a new application to the Assembly, in terms of Act VIII., 1863, anent Sales and Transference of Property.

VII. ABSTRACT OF "FREE CHURCH OF SCOTLAND SCHOOL PROPERTIES ACT, 1878."

(*Report of Special Commission*, 1879.)

School Properties Act, 1878.

The Deacons' Court of each congregation, for whose behoof or in connection with which any school property is held, may, with the consent of the General Assembly, appropriate such school property, or any part thereof, to such educational uses, including Sabbath-schools, libraries, lectures, etc., in connection with such congregation, as such Deacons' Court may think fit, notwithstanding any restrictions or conditions with respect to the use, or reversion, or forfeiture thereof, contained or referred to in the titles under which it is held.

In case of school property held under a title granted under the powers of the Act of Parliament of 1840, or of the Act of 1841, the continued use of the dwelling-house attached to such school property, as a dwelling-house, requires the consent of the granter of such title or his successor.

If the Deacons' Court of the congregation, or the General Assembly shall consider that the school property cannot be, or at any time has ceased to be, beneficially appropriated to educational uses, or may with greater advantage be sold or let for other purposes, such Deacons' Court may, with the consent of the General Assembly, but subject to the provisions contained in the Act, sell, at the highest price that can be obtained, such school property; or the Deacons' Court, with the consent of the General Assembly, may from time to time, let the same at the

highest rent which can safely be obtained, and the free proceeds of the sale of such school property, if sold, or the proportion thereof falling to the congregation, and the free rents of the school property, if let, shall be held and applied in the manner provided by the Act.

Provisions are inserted for the protection of proprietors of estates, of which sites of school properties are held by a title under which, either by reference to the Act of 1840, or to the Act of 1841, or otherwise than by incorporation of, or reference to the terms and conditions of the model trust-deed, the use of such school property is restricted, or any right reserved to the person from whom such school property was acquired.

In the event of the sale of any school property the free proceeds, after deducting the reasonable expenses of and consequent upon the sale, and the repayment to Government of any grant which may have been made out of public money towards the purchase, erection, or furnishing of such school, shall, where the General Assembly has contributed any part of the original cost of the school, in cases where such free proceeds shall not amount to the aggregate sums contributed by the General Assembly or by the congregation for whose behoof, or in connection with which such school property is held respectively, be divided between the General Assembly and the Deacons' Court of such congregation in proportion to the respective amounts contributed towards such cost by the General Assembly on the one hand, and by such congregation on the other hand; and in cases where such free proceeds shall amount to or exceed the aggregate sums contributed by the General Assembly and by such congregation respectively, such free proceeds shall be applied in the first place, in payment to the General Assembly of the sum contributed by them, and the balance shall be paid over to the Deacons' Court of such congregation. Where no part of such cost was contributed by the General Assembly, the whole of the free proceeds shall be paid over to the Deacons' Court.

The portions of the free proceeds of sale received by the General Assembly shall be applied by them towards such of the following purposes, in relation to educational interests in connection with the Free Church, as they may appoint, that is to say, towards the granting of pensions or allowances to retired teachers (so far as the same are not paid by Deacons' Courts), the support of normal schools, the payment of fees of normal school students attending universities or colleges, the foundation of scholarships or bursaries, or the establishment or maintenance of a school or schools.

The free proceeds or portions of free proceeds of sale, and the rents received by such Deacons' Court as aforesaid, shall be applied by them towards such purposes as aforesaid, in connection with their congregation or with the Free Church, as may be sanctioned by the General Assembly, or towards the establishment or maintenance of a Sabbath school or Sabbath schools, and of a library where deemed expedient, or for school prizes; provided always, that if there shall be a retired teacher of a school attached or which may have been attached to such congregation, to whom the General Assembly shall have granted a pension or allowance, the payment thereof shall, to such an extent as may be agreed upon between the General Assembly and such Deacons' Court, form a primary charge on the sums received by such Deacons' Court.

It is specially provided that no part of the capital sums arising from the free proceeds of sale of school properties shall be applied to any of the aforesaid purposes, except the establishment of schools or libraries, and, except so far as applied to the last-mentioned purposes, such capital sums shall be invested by the General Assembly, or the respective Deacons' Courts, as the case may be, in the manner pointed out by the Act.

APPENDIX V.

SPECIMENS OF MINUTES AND EXTRACTS.[1]

I. ORDINARY MATTERS.

1. FORMS FOR KIRK-SESSIONS.

Kirk-Session Minutes.

(1) *Specimen Minute of Kirk-Session, in which for brevity's sake, many particulars are inserted to show how they ought to be dealt with and expressed, though they might never all occur in the same Minute.*

At the day of 19 :

The Session of the United Free Church Congregation at met, according to intimation from the pulpit, and was constituted,—Sederunt, the Rev. , Moderator; Messrs. and , Ruling Elders.

The minute of last meeting was read and approved of.

Induction of Minister.

Read certified intimation from the clerk of Presbytery as follows:—(*take it in*). The Session ordered the intimation to be engrossed in the minutes of this meeting.

Appointment of Communion.

The Session resolve that the ordinance of the Lord's Supper shall be observed in this Church on Sabbath, the day of next, and that a meeting of Session for the revisal of the Communion-roll, preparatory thereto, shall be held in , on the day of , at o'clock.

Elders' Districts.

The Session took into consideration the division of the Congregation into districts for the Elders, and resolve that it shall, in the meantime, stand as follows:—

Election of Representative Elder or Elders.

The Session proceeded to elect a Ruling Elder (*or*, two Ruling Elders, *as the case may be*) to represent them in the Presbytery and Synod during the current year, in place of , whose term of representation had expired.

It was moved, seconded, and agreed to, that be elected. Accordingly the Session appointed of their own number, and *bona fide* an acting Elder (*or*, acting Elders) in the Congregation to represent them in the Presbytery of , and Synod of during the current year.

Elders visiting after Vacancy.

The attention of the Session was called to the importance of the Elders on this occasion visiting their respective districts in good time, previously to the Communion, in order that the number of the intending Communicants may be as far as possible ascertained, after the long protracted vacancy, and that the roll may be carefully adjusted both before and after the Communion.

Elders and Deacons ceasing to be in Office.

The Session find that Mr. , Ruling Elder, and Mr. , Deacon, have withdrawn from all meetings of Session and Deacons' Court for more than twelve months, without explanation. The Session, accordingly, find that they have both ceased to be members of the Deacons' Court, and that Mr. has ceased to be a member of the Session of the Congregation of . The Clerk was instructed to intimate these findings to the parties concerned.

[1] *N.B.*—These are only specimens of the way in which minutes may be drawn up. Nothing in these minutes constitutes a rule for the procedure of any Court.

The Session resolve that Public Worship shall commence on the Communion Sabbath at o'clock A.M., and on the Fast-day at o'clock A.M. Appointment of Hour of Worship.

Closed with prayer.

(2) *Another Specimen Minute.*

At the day of 19 :

The Session met, through personal citation by the Moderator, and was constituted,—

Sederunt, the Rev. , Moderator; Messrs. and , Ruling Elders.

The minute of last Meeting was read and approved of.

The Moderator brought under the Session's notice the vacancy in the Church Officership, occasioned by the resignation of . Vacancy in Church Officership.

The Session being cognisant of the election to the Beadleship by the Deacons' Court of Mr. , hereby appoint him to be Church Officer also.

Mr. was called in and his appointment was intimated to him. He promised to discharge the duties faithfully and confidentially, and was thereupon admitted to the office.

The Moderator represented the importance of having a new election of Ruling Elders. The Session having taken into consideration the question as to having an addition made to the number of Elders, resolved to take steps with the view of accomplishing this end, and accordingly requested the Moderator to make an intimation on Sabbath next, and (should the Session desire it) on the two following Sabbath-days, at the close of Public Worship, to the effect that the election will take place in the following manner:—[*Then let the manner adopted by the Session be stated, whether by the giving in of lists, or by voting at the meeting, or otherwise*]. Election of Elders.

It was agreed that the number to be elected shall be , and that the Moderator shall intimate the number. It was also agreed that the Moderator should address the people on their duties in this matter, and take occasion to point out the qualifications of Elder.

The Session resolved to meet in the church on the day of , for the purpose [*either of opening lists, or, along with the Congregation, for an election otherwise*].

Thereafter the Session took into consideration the subject of

It was moved and seconded, That Motion carried on Division.

It was also moved and seconded, That

After conversation it was agreed to take the vote. The votes were marked, and it appeared that members had voted for the first motion, and for the second, so that the motion was carried by a majority of . Thereupon the Session, in terms of that motion, resolve that .

From this judgment Mr. entered his dissent, and Mr. adhered to the dissent. Dissent entered.

Closed with prayer.

(3.) *Third Specimen Minute.*

At the day of 19 .

The Session met, and was constituted,—

APPENDIX V.

Sederunt, the Rev. , Moderator; Messrs. and , Ruling Elders.

The minute of last meeting was read and approved of.

Reasons of Simple Dissent.

Mr. gave in Reasons of Dissent from the judgment of the Session at last meeting on the subject of , signed by himself and Mr. . They were ordered to be kept *in retentis*.

Election of Elders.

The Moderator intimated that he had complied with the request of the Session recorded in the minute now read. [Here let it be stated either that the lists were opened and read and the votes marked, etc., in presence of the Congregation (*or publicly or privately according to resolution*), or that the Session met with the Congregation and proceeded to an election, when motions were made, etc., and the following were elected (*either unanimously or by a majority, as the case may be*), in the following order, the persons named first having the greatest number of votes.]

The Blessing having been pronounced and the Congregation [*or public meeting*] having been dismissed, the Session continued their meeting alone.

The Session being alone, proceeded to judge of the qualifications for the Eldership of the persons named. After deliberation, the Session find that the following persons have been elected by the Congregation and are duly qualified, viz.—

It was agreed that the Moderator should ascertain the willingness of the above-named to accept office (*or*, It was agreed that the Elders-elect be requested to meet with the Session on the at o'clock, in order that the Session may ascertain their willingness to accept office).

Certificate to Member of Assembly.

It was reported by the Moderator that Mr. , a member of this Session, had been elected by the Presbytery of as one of their representatives to the General Assembly, and that he required a certificate from this Session, in terms prescribed by the Act of Assembly. The Session appoint a certificate to be signed both by the Moderator and Clerk, and duly transmitted, in the following terms:—

"At the day of 19 :

"Which day the Session of the United Free Church Congregation of being met and constituted,—Sederunt, the Rev. , Moderator; and , Elders—the said Session did, and hereby do, certify and declare, that , Ruling Elder, and member of said Session, is *bona fide* an acting Elder of their Congregation, and that he has signed the formula.

Moderator.
Clerk."

It was moved and seconded, That

It was also moved and seconded, That

Motion carried, and complained of.

The Session resolve

From which judgment Mr. dissented, in the name of himself and all who may adhere to him, and protested for leave to complain to the Presbytery of , promising to give in Reasons in due time, and craved extracts, which were allowed.

The following members were appointed to defend the judgment of the Session at the bar of the Presbytery, viz.—

Closed with prayer.

(4) *Fourth Specimen Minute.*

At the day of 19 :
The Session met,
and was constituted,—Sederunt, the Rev. , Moderator;
Messrs. and , Ruling Elders.
The minute of last meeting was read and approved of.
The Clerk reported that Reasons of Dissent and Complaint by Mr. and Mr. had been lodged with him in due time. Reasons Complaint.
The Moderator reported that he had dealt with the persons elected and found qualified for the Eldership in their Congregation as to their acceptance of the office, and that the following persons had agreed to accept, viz.—Mr. (*or*, Messrs. A, B, C, and D, Elders-elect, being present, the Session conferred with them as to their acceptance of office. Messrs. A, B, and C agreed to become Elders in the Congregation, but Mr. D declined).
The Session appoint the ordination of Messrs. Appointment of Elders' Ordination.
and the admission of Mr. , already ordained to the eldership in another Congregation, to take place in presence of the Congregation, on Sabbath the , after Public Worship in the , and they direct an edict to this effect to be served in common form on Sabbath, the day of , giving notice to the people that if any of them have any objections to state to the life or doctrine of any of the foresaid persons, they will have an opportunity of stating the same at a meeting of Session to be held for that purpose in on the day of at o'clock, with certification that unless such objections be substantiated at said meeting, the ordination and admission will be carried out.
Closed with prayer.

(5) *Another Specimen Minute.*

At the day of 19 :
The Session of met and was constituted,—
Sederunt, the Rev. , Moderator; Messrs.
and , Elders.
The minute of last meeting was read and approved of.
The Moderator reported that he had made edictal intimation as to the ordination and admission of Elders according to the request of the Session. The Session called the Church Officer and instructed him to intimate at the Church door, that the Session had met to give an opportunity for the statement of objections in terms of the edict. Thereafter, the Officer returned from the door and intimated that no objector had appeared. The Session, accordingly, resolve to proceed with the ordination and admission according to their last minute. [N.B.—*If any objections to life or doctrine are brought forward, the Session considers whether they are substantiated to their satisfaction, or are such as to require them to delay procedure with a view to further investigation. If both these questions are determined in the negative, the Session finds accordingly, and proceeds with the ordination.*] Meeting to receive Objections to Life or Doctrine.
Closed with prayer.

(6) *A Sixth Specimen Minute.*

At and within the United Free Church ,
the Session of met with the Congregation,
according to their Resolution of date , and
Edictal Intimation made on Sabbath, the
day of

APPENDIX V.

Ordination and Admission of Elders.

After sermon the Moderator made the following intimation:—"An election of persons to the office of the Eldership having taken place on the day of , and the persons now to be named having been found duly qualified, and having agreed to accept the office of the eldership, and no objection to the life or doctrine of any of them having been offered (*or* substantiated) after edictal intimation that, in the absence of such objections substantiated, the ordination and admissions of these persons would be this day proceeded with, the Kirk-Session are prepared to ordain and admit Mr. and Mr. , and to admit to the same office Mr. , who has been previously ordained an Elder."

The Moderator called upon all those persons, when they all appeared and stood up. The Moderator put to them the prescribed questions, to which they gave satisfactory answers.

The Moderator then, in name of the Session, did admit Mr. , already an ordained Elder of the United Free Church of Scotland, to the said office in this Congregation; and thereafter, with prayer to God, he did solemnly set apart Mr. , Mr. , and Mr. , etc. etc., to the office of eldership, and did admit them to the exercise of the same in this Congregation, and to all the rights and privileges belonging thereto. In token thereof, all the persons now admitted received the right hand of fellowship from the Elders and Deacons present. The Moderator addressed the newly admitted Elders and the Congregation regarding their respective duties.

Public worship having been concluded, and the Session continuing their meeting, the newly admitted Elders signed the Formula required by Act II., October 1900, the names of these Elders were added to the roll of the Session, and the Session-Clerk was instructed to intimate the circumstance to the Clerk of the Deacons' Court.

Young Communicants.

The Moderator reported that the following persons had applied to be admitted as Communicants for the first time, and that he was satisfied with their knowledge and professions, viz.—

The Session having no ground for questioning the good character of any of these persons (and one or more of the Elders having confirmed the Moderator's recommendation in one or more of the cases—*state this when it is so*), the Session hereby admit them to Communion with this Congregation.

Admission on Certificates.

The following persons were admitted on production of certificates, viz.—

J. C. from the United Free Church of . T. P. from , etc. etc.

The Session further revised the Communion Roll with a view to the Communion on Sabbath, the day of , and purged it of the names of all persons who had ceased to belong to the Congregation. (The Session also arranged the Communion cards, and instructed the Elders as to the distribution of them in their districts. This, where it applies.)

Admission to Baptism before Communion.

The Moderator mentioned that T. D. had applied for the baptism of his child, though not yet on the Communion Roll, intimating, at the same time, his willingness to converse with the Minister as a young communicant, in order that he may be admitted on the roll previously to the next observance of the ordinance, after he has been found qualified. The Session agree that the child of T. D. may be baptized as soon as the Moderator shall be satisfied that he is qualified for admission to Communion.

Resignation of Elder or Deacon.

A letter of resignation of his office as an Elder (*or* Deacon) of this Congregation was laid on the table from Mr. .

The Session appoint Mr. and Mr. with

to confer with Mr. as to the reasons for his proposed resignation, and to report.

Closed with prayer.

(7) *A Seventh Specimen Minute.*

At , etc. etc., the day of 19 :

The Session met, and was constituted immediately after worship for the distribution of tokens. They were distributed to the applicants present (*here mention the rule of distribution adopted by the particular Session*). The Session further instructed the Elders as to the distribution of tokens to applicants not now present. Tokens.

Mr. reported for himself, and that, as instructed by the Session, they had conferred with Mr. as to the reasons of his proposed resignation of his office as an Elder (*or* Deacon), and stated the result of conference. The Session, being satisfied that there is nothing affecting the character of Mr. in the causes of his resignation, feel themselves compelled to accept of it with regret, appoint his name to be removed from the Session Roll, and intimation of the circumstance to be made to the Deacons' Court (*or*, the Session find that the reasons for the tender of resignation are not satisfactory, and render it necessary for them to take Mr. on discipline. They appoint Mr. , Mr. , and , to confer again with Mr. upon the subject, intimating to him this finding).

Closed with prayer.

(8) *An Eighth Specimen Minute.*

At , the day of 19 :

the Session met and was constituted, etc.

The minutes of previous meetings of dates were read and approved of.

The Communion Roll was revised with reference to the recent Communion, and ordered to be attested by the Moderator and Clerk as now containing names, and to be transmitted to the Presbytery in time for their making the return which regulates the distribution of the Sustentation Fund. Revisal of Roll.

The Session having taken into consideration the importance of having an addition made to the number of Deacons (*here take in the Form as to Elders*—Minute (2), p. 207, *mutatis mutandis*). Election of Deacons.

Closed with prayer.

(9) *Further Minutes, etc., as to election and admission of Deacons, etc., the same as in the case of Elders,* mutatis mutandis, *with those in the case of Elders.*

The only exception is in Minute 6, p. 210, where, in place of stating that the names were appointed to be added to the Roll, the Minute must be, "The Session instruct the Clerk to intimate the admission of Deacons, which has this day taken place, to the Clerk of the Deacons' Court, in order that he may communicate it to the Deacons' Court, with a view to their instructing him to add the names of the newly admitted Deacons to their roll of members." Admission of Deacons.

(10) *Specimen Minute in referring an ordinary case to the Presbytery.*

The Session, regarding the question involved in this matter as one of considerable difficulty, hereby refer the whole case to the Presbytery of for advice, and, at the same time, intimate to the parties that they are hereby summoned *apud acta* to the bar of that Presbytery at its next ordinary meeting. Reference to Presbytery.

APPENDIX V.

2. FORMS FOR THE DEACONS' COURT.

(1) *Specimen Minute containing Variations from the Forms of Session Minutes.*

Deacons' Court Minutes.

At , the day of 19 The Deacons' Court met: Sederunt,

Elders;
Deacons.

In the absence of the Moderator, Mr. G. was unanimously called to the chair. The meeting was then constituted with prayer.

The minutes of last meeting were read and approved of.

Admission of Elders.

An extract minute of the Session was laid on the table, from which it appeared that Mr. and Mr. , etc., had been admitted as Elders of this Congregation on the day of .

Of Deacons.

Another extract minute was read, by which it appeared that Mr. and Mr. , etc. etc., had been admitted as Deacons of their Congregation on the day of .

The Deacons' Court instruct the Clerk to add the names of these persons to their roll in due order.

Person ceased to hold Office.

Another extract minute was read, showing that Mr. had ceased to be an Elder, and Mr. to be a Deacon of their Congregation.

The Court instruct the Clerk to remove the names of these parties from the roll.

Vacant Church Officership.

The Deacons' Court, taking into consideration the vacancy in the Church Officership of this Congregation, and the following applications for the office, resolve to appoint, and hereby do appoint, Mr. to be the Church Officer. They resolve that his salary shall be , and appoint the Clerk and Mr. to confer with him as to his duties, and to report.

Deacons' Districts, etc., Appointment of Treasurers.

The Court resolve to divide the Congregation anew into districts to be severally assigned to the Deacons, as follows,—District I., Mr. T., etc.

The Court instruct each of the Deacons to take charge of and hold himself responsible for the arrangements for the ingathering of the Sustentation Fund in his district, and they appoint Mr. to be Treasurer for that Fund, Mr. remaining Treasurer for the Local Funds, Mr. for the Foreign Missions Fund, and Mr. for the Home Missions Fund.

The Deacons' Court, finding that, after deduction of sums requisite for the claims recognised as primary by the Act of Assembly, there remains a surplus in the Local Fund of £ , *s.* *d.*, took into consideration the question how far it was reasonable to supplement (or add to the supplement to) the Minister's stipend, and resolved to grant him the sum of £ , *s.* *d.* out of the surplus.

Supplement to Minister.

Collection for Poor.

The Deacons' Court resolved that a special collection shall be made on Sabbath, the day of , for the relief of poor members of the Congregation at this season.

It was moved and seconded, That

It was also moved and seconded, That

The motion was carried by a majority of to .

From this judgment Mr. dissented for the following reasons, viz.—1., etc., 2., etc., 3., etc. Mr. adhered to the Dissent.

Reasons of Dissent.

(N.B.—*When reasons are produced immediately along with the Dissent in any Church Court, they are made part of the Minute.*)

Closed with prayer.

(2) *Form of Minute of Meeting with Congregation annually.*

Annual Meeting of Congregation.

At , the day of 19 : The Deacons' Court met with the Congregation, and was constituted, the Moderator in the chair,—Sederunt,

The Clerk read the annual report, with a view to receiving any suggestions from the Congregation. One (*or* two *or* no) suggestion was made.

Closed with prayer.

3. Forms for the Presbytery in Ordinary Business.

(3) *Forms of Minutes of Presbytery as to the Election, Calling, Translation, and Induction of Ministers.*

1. *Minute resolving to moderate in a Call.*

Minutes of Presbytery, etc. Moderation of Call.

Inter alia,—Compeared Messrs. for the Session, Messrs. for the Deacons' Court, and Messrs. for the Congregation of , craving the Presbytery to appoint a day for moderating in a Call to a Minister to that charge. Parties having been heard, and Mr. , *interim* Moderator of Kirk-Session, having reported that there was every prospect of harmony, the Presbytery unanimously resolved to meet in Church, on Thursday, the day of next, at two o'clock afternoon, to moderate in a Call for filling up the vacancy in that Congregation; and appointed an edict to that effect to be read to the Congregation on the two Sabbaths immediately preceding, and attested on each occasion by the officiating minister or preacher.

2. *Minute of Meeting to moderate in a Call.*

(*a*) *In a Call at large.*

At United Free , the day of Nineteen hundred and , the United Free Presbytery of met and was constituted by prayer. Sederunt,—

The Minute calling this meeting was read.[1] The edict was returned attested as having been duly served.

(*f*) The Presbytery proceeded to the Church, where the Moderator conducted devotional exercises, and preached from . Public Worship being ended, the Moderator intimated that the Presbytery would now proceed to moderate in a Call to one to be the pastor of this Congregation (*or* to be colleague and successor to Mr. in the pastorate of this Congregation).

(*g*) The Clerk read the form of Call. Whereupon it was proposed, and unanimously agreed to, that the name of Mr. , Minister at , be inserted in the Call. The name of was then inserted in the Call, which was subscribed by communicants, and by adherents. The Moderator attested the Call as thus subscribed.

It was moved, seconded, and unanimously agreed to, that the Presbytery sustain this Call. The Presbytery then appointed[2] the following to be their Commissioners to prosecute the translation of before the Presbytery of , and any other competent judicatory of the Church, namely, the Moderator, etc.

[1] The minute of the Sustentation Fund Committee intimating that no objections on their part would be offered, it is taken for granted, has been given in at an intermediate meeting. The Presbytery may, if necessary, appoint a Committee to act in their name as to the filling up of the schedule, and transmitting it to the Sustentation Committee.

[2] If the Call is to a Probationer, it is put into his hands for his acceptance,

APPENDIX V.

The Call was left in the hands of the Session, to receive additional subscriptions; all such subscriptions to be attested by two members of the Session.

The Presbytery then adjourned to meet in the Presbytery Hall on day of month. Whereof public intimation having been made, this sederunt was closed with prayer.

(*b*) *In a Close Call.*

In the paragraph marked (*f*) in above minute for "one" substitute "Mr. A. B.."

For the paragraph marked (*g*) substitute—

The Clerk having read the Call to Mr. A. B., the Moderator put the question, "whether or not the congregation is prepared to go on with this Call." Whereupon it was moved, seconded, and unanimously agreed that the congregation call Mr. A. B. The Call was thereafter subscribed by communicants or their mandatories, and the paper of concurrence by adherents. The Moderator attested the Call, and the paper of concurrence, as thus subcribed.

3. *Minute allowing the Translation to proceed.*

Translation.

Presbytery House, the day of .—The United Free Church Presbytery of met and was constituted.

Inter alia,—The Presbytery took up the Call to from United Free . Compeared as Commissioners from the United Free Presbytery of ; Messrs. as Commissioners from the Session of ; as Commissioners from the Deacons' Court, and as Commissioners from the Congregation: and as Commissioners from the Kirk-Session of , and from the Congregation . Mr. appeared for himself. Mr. being asked if he had any statement to make at this stage replied that he had not. The edict was returned duly served and indorsed. The Commissioners on both sides having been heard, Mr. was called upon to state his mind in regard to the Call, when he declared that he could not take upon himself the responsibility of declining it. Parties were withdrawn. The Presbytery now engaged in prayer, Mr. leading the devotions.

After deliberation, it was moved by , seconded by , and unanimously agreed to, that the Call be presented to Mr. The Call was accordingly put into his hands: And this having been done, and he having declared his acceptance of the same, the Presbytery resolved to loose him from his present charge, and translate him to ; and they enjoin him to wait upon the Presbytery of as to the time of his admission, and they request that Reverend Court to give them notice of his Induction when it takes place. Parties were recalled, and this judgment intimated, in which they all acquiesced. for the Presbytery of , and for the Session of United Free , craved extracts, which were granted.

4. *Minute resolving to proceed to Induction.*

Induction.

At , and within the Presbytery Hall, the the United Free Presbytery met and was duly constituted by ,—Sederunt,

Inter alia,—There was produced and read, Extract Minute of the United Free Presbytery of in the case of the translation of from to . The tenor whereof follows;—

The Presbytery resolved to meet in United Free on Thursday, the sixth of next, at o'clock P.M., for the induction of Mr. as Minister of that Congregation, Mr. to preach and Mr. to preside; and appointed an edict to this effect to be served in that Church on the two Sabbaths immediately preceding, and attested on each occasion by the officiating Minister or Preacher.

5. *Minute of Ordination and Induction.*

Within the Hall of the United Free , the , the United Free Presbytery of met, and was constituted with prayer; Sederunt,

The minute calling this meeting was read. The edict was returned duly served. The Officer of Court was instructed to go to the church, and make intimation to the assembled Congregation that if any person or persons had any objections to the life and doctrine of Mr. , Minister of the Gospel, they might now repair to the Presbytery, presently met, and substantiate the same. The Officer reported that he had made intimation, as instructed, and that no one had appeared to object.

The Presbytery, having waited a reasonable time, and no one having appeared to object, then proceeded to the Church. Mr. conducted devotional exercises and preached from . Public Worship being ended, the Moderator gave a brief narrative of the proceedings in the Call to , and addressed to him the questions appointed to be put to Ministers on their ordination and induction to a pastoral charge, and he having returned satisfactory answers to the same, and having signed the Formula, the Moderator, by prayer, *with the imposition of hands in which all the ministers present joined, ordained the said Mr. to the office of the Holy Ministry, and* inducted him to the pastoral charge of the congregation. Prayer being ended, the Moderator, addressing Mr. in terms of the prescribed form, declared him to be *ordained and* inducted, and gave him the right hand of fellowship—as did also the other members of Presbytery present. Mr. was suitably addressed by the Moderator, who also in appropriate terms exhorted the Congregation. After praise and prayer the Congregation was dismissed, an opportunity being afforded them as they retired of welc ming their minister.

The name of Mr. was added to the roll of the Presbytery, and the Clerk was instructed to send certified intimation of the *Ordination and* Induction to the Session of .

The meeting was closed with prayer.

(N.B.—*When the minister-elect is already ordained, omit the portions of the above Minute that are in italics.*)

6. *Minute when the Presbytery declines to proceed, because of want of harmony.*

Inter alia,—Compeared Messrs. Commissioners from the Congregation of , craving the Presbytery to appoint a day for moderating in a Call to a Minister for that Congregation. Compeared also Messrs. , member of said Congregation, presenting a Memorial signed by thirty-six members of the Congregation craving delay in said matter. The Memorial was read by the Clerk. Parties were heard and removed. Want of Harmony.

It was moved, seconded, and unanimously agreed to that the Presbytery, *in hoc statu*, decline to proceed to moderate in a Call to a Minister for , and appoint a Committee to confer with the Congregation with the view of restoring harmony among them, and to report. The Committee to consist of

APPENDIX V.

7. *Minute referring Case to the Synod.*

Reference to Assembly.

Inter alia,—Compeared Messrs. , representing the majority of the Congregation of , also Messrs. , representing the minority of said Congregation.

Dr. , interim Moderator of the Session and Congregation, made a statement. Parties were heard and removed,—Whereupon it was moved and seconded that the Presbytery, finding that the want of harmony in the Congregation of still continues, resolve to refer, and hereby do refer, the case to the Synod.

Which motion was unanimously adopted.

Parties were called in and judgment intimated.

(4) *Specimen Minute of Ordinary Meeting.*

Ordinary Meeting.

At the day of 19 : The United Free Church Presbytery of met, and was constituted with devotional exercises.—Sederunt, the Rev. , Moderator, Drs. , and Messrs. , Ministers; with Messrs. , Ruling Elders.

Minutes.

The Minutes of last Ordinary meeting of date , and of the *in hunc effectum* meeting of date , and of the *pro re natâ* meeting of date , were read and approved of.

Commissions to Ruling Elders to represent them in the Presbytery were read from the Sessions of and were sustained. The names were added to the roll.

Election of Moderator.

The Presbytery proceeded to elect a Moderator for the current half-year, when Mr. , Minister at , was unanimously elected, and took the Chair accordingly.

Deputation.

A deputation appeared at the bar from the Session, the Deacons' Court, and Congregation of , viz.—from the Session, Messrs. ; from the Deacons' Court, Messrs. ; and from the Congregation, Messrs. .

Colleague and Successor.

Minutes were read from the from which it appeared that the parties presented a unanimous application for the appointment of a Colleague and Successor to the Rev. , their Minister. A medical certificate was also produced to the effect that the health of Mr. was much impaired, and that he was unable to discharge the full duties of the charge. (*Or*, It also appeared that the application was based not on failing health, but on peculiar circumstances, and on the importance of preserving their Minister's strength at his period of life.)

Mr. and Mr. were heard for the Session, Mr. was heard for the Deacons' Court, and Mr. for the Congregation.

Parties were removed. It was moved, seconded, and unanimously agreed to,—

That the Presbytery, looking at all the circumstances, approve of the application, and agree to submit it to the Commission at its meeting in March, and to the General Assembly.

Parties were called in and this judgment was intimated.

In name of the parties at the bar, Mr. acquiesced and craved extracts, which were allowed.

Appeal, etc., from Session.

The Presbytery took up a case of Appeal and Dissent and Complaint from the Session of , against a judgment of that Session of date , by which the Session found .

The documents in the case were laid on the table. Parties were called, when there appeared for the Appellants Messrs. ; for the Dissentient and Complainer, Mr. ; and for the Session, Mr. and Mr. .

The Clerk then read the documents in the case, viz.—the Decision appealed against, the Reasons of Appeal and Answers thereto, and the whole record of the proceedings of the Session.

Mr. was heard in support of the Appeal, Mr. in support of the Complaint, and Mr. in support of the Judgment. Mr. was heard in reply.

Parties were removed. It was moved, seconded, and unanimously agreed to,—

That the Presbytery dismiss the Complaint and Appeal, and affirm the Judgment of the Session. (*Or*, That the Presbytery sustain the Complaint and Appeal, and reverse the Judgment of the Session, and instruct, etc.)

Parties were called in and this Judgment intimated, when Mr. acquiesced in name of , craved extracts, etc. Against the same Judgment Mr. , in name of , protested, and appealed to the Synod of , promising to lodge Reasons of Appeal in due time, craved extracts, etc.

Case of Reference from Session.

The Presbytery took up a case of Reference for advice from the Kirk-Session of .

The Minute of Session making the Reference was read, with corresponding documents. There appeared in support of the Reference the Rev. Mr. and Mr. , who were heard in support of it.

The Presbytery unanimously sustain the Reference.

Thereafter, on the merits of the case, parties were called, when there appeared J. T., maintaining that, etc. etc., and G. D. representing that, etc. etc. Parties were heard and removed.

The Presbytery find that , and *quoad ultra* remit to the Session to deal with the matter according to the rules of the Church.

The Presbytery adjourn to meet *in hunc effectum* in , on the day of , at o'clock; and also in this place on , for ordinary business.

Closed with prayer.

(5) *Specimen Minutes of* In hunc effectum *and* Pro re natâ *Meetings, and Meetings by appointment of Superior Court.*

1. *Minute of* In hunc effectum *Meeting.*

In *hunc effectum* and *Pro re natâ* Meetings.

At, etc.

The Presbytery of met this day *in hunc effectum*, and was constituted,—Sederunt, etc.

The part of the Minute of last Ordinary Meeting referring to this day's proceedings having been read, the Presbytery (*here follows the Minute of the special business which can alone be transacted*).

Closed with prayer.

2. *Minute of* Pro re natâ *Meeting.*

At, etc.

The United Free Church Presbytery of met this day *pro re natâ*, and was constituted,—Sederunt, etc.

APPENDIX V.

The circular addressed by the Moderator to the members was read, the tenor whereof follows :—(*Here take it in.*) It was moved, seconded, and agreed to,

That the Presbytery approve of the conduct of the Moderator in calling the meeting.

(*Here follows the Minute as to the special business.*)

Closed with prayer.

3. *Meeting by appointment of Superior Court.*

At, etc.

The Presbytery, etc. etc., met by special appointment and authority of (the General Assembly or the Provincial Synod of), and was constituted, etc. etc.

Closed with prayer.

II. SPECIMEN MINUTES IN CASES OF DISCIPLINE.

1. FOR KIRK-SESSIONS.

(1) *In the case of a woman against whom a scandal has broken out.*

(*Place and Date.*)[1]

The Session met and was constituted, etc. Sederunt

It was reported that A. B., a member of the congregation, unmarried, had recently given birth to a child. The Session appointed the Moderator (or Mr. G. H., a member of Session), to see A. B., confer with her anent the matter, and, if he think it expedient, to intimate to her that meanwhile she should not come forward to the Communion.

The Session met, etc.

The Moderator (or Mr. G. H.) reported that, in accordance with the appointment of the Session, he had seen and spoken with A. B. in regard to the report affecting her, and that she had acknowledged her sin and expressed deep sorrow; and that in answer to a question by him, she charged C. D., unmarried, belonging to the congregation, with being the father of her child. The Session, on receiving this report, appointed the Moderator (or Mr. G. H.) to call on C. D., acquaint him with the charge made against him by A. B., and confer with him thereanent; also, to intimate to him that meanwhile he should not come forward to the Communion.

The Session met, etc.

The Moderator (or Mr. G. H.) reported that in accordance with the appointment of the Session, he had seen C. D., and acquainted him with the charge made against him by A. B. He admitted the truth of the charge, and expressed his sense of the sin and shame in which he had involved himself and A. B. The Session agreed that A. B. and C. D. be cited to appear before them at next meeting.

The Session met, etc.

Compeared A. B. and C. D. in terms of citation by the Session. The previous minutes in relation to their case were read. In view of the acknowledgment of their sin, which they had severally made to Mr. G. H., who had conferred with them, and their expressions of penitence, the Moderator seriously admonished them. The Session instructed Mr. G. H. (or Mr. G. H. and Mr. J. K.) to exercise a kindly and helpful supervision over them.

[1] The place and date of every meeting of Session or other church Court must be specified in the beginning of the minute.

(2) *In the case in which the man accused by the woman denies the charge.*

The Session met, etc.

Mr. G. H. reported that he had seen C. D. and acquainted him with the charge made against him by A. B. C. D. denied the charge, and declared that there was no ground for making it. The Session agreed to cite A. B. to appear before them at next meeting, in order that the Session may ascertain whether she adheres to the charge against C. D.

The Session met, etc.

Compeared A. B. in answer to the citation of the Session. Having been solemnly exhorted by the Moderator to speak the truth, and being interrogated, she adhered to the charge, and declared that C. D. had been guilty with her and was the father of her child. Being asked if she could adduce any evidence in support of her charge against C. D., she answered that she could, and named L., M., and N., and also stated that she had letters which would support her charge.

The Session agreed to have A. B. and C. D. before them at next meeting. A. B. was cited *apud acta* to appear and to bring with her the documents she referred to; and the Clerk was instructed to cite C. D. to appear and answer the charge made against him by A. B. The Clerk was also instructed to cite L., M., and N., and any persons whom C. D. might desire, to appear before the Session as witnesses in the case.

The Session met, etc.

Compeared A. B. and C. D. in answer to the citation of the Session. The Clerk reported that all the persons who had been cited as witnesses were in attendance. Before proceeding to examine the witnesses, the Moderator, having solemnly exhorted both parties to speak the truth, again asked A. B. whether she adhered to the charge she had made against C. D. She replied that she adhered to it. C. D. was then asked if he admitted the truth of the charge, or did he adhere to the denial of it which he had made to Mr. G. H. After some hesitation he admitted the truth of the charge and expressed regret for having denied it to Mr. G. H. The admission now made by C. D. rendered further inquiry unnecessary. Thereupon the Moderator seriously admonished both parties. The Session instructed Mr. G. H. and Mr. J. K. to exercise a kindly and helpful supervision over them.

(*Note.*—Should C. D. adhere to his denial, the Session would proceed to examine the witnesses in attendance; at the conclusion of their examination it would confer with the parties, and thereafter give them opportunity of making any statement they desired. The Session would then, in the absence of the parties, either at that meeting, or at an adjourned meeting, come to a finding in the case, which is intimated to them.)

Should C. D. adhere to his denial, and should there be either no further evidence, or no sufficient evidence to establish a charge against him, the Minute may run thus: "therefore the Session agree, so far as C. D. is concerned, to take no further action in the case, unless and until God in His Providence give further light."

(3) *In the case in which the man accused by the woman admits the charge, but belongs to a different congregation of the Church.*

The Session met, etc.

Appointed Mr. G. H. and Mr. J. K. to call on C. D., acquaint him with the charge which A. B. has made against him, and ascertain whether he admits it to be true.

APPENDIX V.

The Session met, etc.

Mr. G. H. and Mr. J. K. reported that they had fulfilled the appointment of the Session by calling on C. D., and that after conversation C. D. had acknowledged himself to be the father of A. B.'s child. The Session instructed their Clerk to communicate to the Session of , that C. D. belonging to their congregation, and residing at , had been charged by A. B., a member of this congregation, unmarried, with being the father of her child; that this Session had deputed two of its members to acquaint C. D. with the charge, and ascertain from him whether he admitted it; and that C. D. had admitted to the said elders that the charge is true. The Session therefore inform the Session of of this matter, that they may take such action thereanent as may be deemed advisable.

(4) *In the case in which the man, accused by the woman, belongs to a different congregation of the Church, and denies the charge.*

The Session met, etc.

Appointed Mr. G. H. and Mr. J. K. to call on C. D., acquaint him with the charge which A. B. has made against him, and ascertain whether he admits it.

The Session met, etc.

Mr. G. H. and Mr. J. K. reported that they had fulfilled the appointment of the Session by calling on C. D. and informing him of the charge made by A. B. He denied the charge, and after conversation still adhered to his denial. On receiving this report the Session agreed to cite A. B. to appear before them at next meeting, in order that they may ascertain whether, having regard to C. D.'s denial, she still adheres to her charge against him.

The Session met, etc.

Compeared A. B. in answer to the citation. Having been solemnly exhorted to speak the truth, and being interrogated, she adhered to the charge, and declared that C. D. is the father of her child. She was then dismissed.

After deliberation the Session instructed the Clerk to communicate with the Session of , informing them that A. B., a member of this congregation, unmarried, and at present under discipline, has charged C. D. (said by her to belong to the congregation of and to reside) with being the father of her child; that this Session had delegated two of its members to acquaint C. D. with the charge made against him, and that he had declared there was no ground for making it, and that in consequence of his denial A. B., having been required to compear before this Session, was again interrogated on the matter, and adhered to the charge.

This Session suggests to the Session of the appointment by the two Sessions of a Joint-Committee to investigate the case. (Rules, Chapter VII. Section II. 21, page 79.)

(*Note.*—If C. D. belong to some other Church than the United Free Church, the Session should appoint one or more of its members to acquaint him with the charge made against him by A. B. According to his admission or denial, it should take such further action on the lines of Form (3) above as might be deemed suitable.)

(5) *Restoration of A. B. and C. D.*

The Session met, etc.

Resumed consideration of the case of A. B. and C. D., members of the congregation under suspension (see minutes of date).

Mr. G. H., who, along with Mr. J. K., had been appointed to supervise them, reported that they had been in communication with each of the parties, and believed them to be sincerely penitent; that they had been fairly regular in their attendance at church; and that, so far as known, their conduct had been unexceptionable. He further stated that they desired to be restored to full communion. The Session expressed its satisfaction with the report, and agreed that A. B. and C. D. be cited to appear at next meeting, in order to their being restored by the Session to the privilege of full communion.

(6) In cases of antenuptial fornication, the minute may be as follows:—

Compeared A. B. and C. D., confessing that they had been guilty of the sin of antenuptial fornication, and, having expressed their penitence, the Moderator, etc.

(7) If the case be one of adultery, on the part of the person or persons complained against, the Session may, if it think it expedient, apply to the Presbytery for assistance in the case, and the minute may run thus:—

The Session having at present a grave case of discipline on hand, agree to request the Presbytery to appoint assessors to act along with them in dealing with the case.

(*N.B.*—The above specimen minutes refer to one class of sins. It is unnecessary to give forms of minutes for all the sins of which a Session ought to take cognisance.)

(8) When a person incurs suspension from church privileges (lesser excommunication), the same may be thus recorded:—

In consideration, etc., the Session did, and hereby do, suspend the said C. D. from the privileges of the church.

(9) *Specimen Minutes when a* fama *has arisen or a complaint been brought against a Deacon.*

The Session taking into consideration the *fama* (*or* the complaint) brought under their notice, request the Moderator and Mr. to communicate confidentially with Mr. regarding the same, so as to ascertain whether further action by the Session may be necessary or not.

The Moderator reported in the case of Mr. , Deacon of this Congregation, that he acknowledged the truth of the *fama* against him, that he was deeply grieved on account of his sin, and was ready to make acknowledgment to the Session in due form.

Mr. , Deacon of the Congregation, appeared and confessed himself guilty, etc. etc.

In suspending Mr. from ordinances, the Kirk-Session find that he is *ipso facto* suspended from the Deaconship *sine die* (*or*, in a case requiring it, The Kirk-Session hereby depose him from the office of Deacon). Intimation of this sentence was appointed to be given to the Deacons' Court.

(10) *Specimen Minutes when a* fama *or* allegation *affecting moral character is brought against a Ruling Elder.*

The Session took into consideration a *fama* (*or* allegation) which had come under their notice against A. B., a member of their own Court. A. B., being present, declared that he was ready to give explanations on the subject, but would rather state them privately, in the

APPENDIX V.

first instance, to one or two of the members, and he retired accordingly from the meeting. The Session appoint the following members to confer with him in private, and to report, viz.,

Mr. reported in the case of A. B. that he and Mr. had had a conversation with Mr. which was not satisfactory.

After deliberation, the Session agreed that there was reason for further investigation. They accordingly prepared the following statement of the sinful conduct attributed to A. B., viz.,

The Clerk was instructed to send to A. B. a certified extract of this statement, with a request that at the next meeting of Session to be held here on the day of he should state whether or not he admits the allegations therein contained.

The Session met, etc. The Clerk reported that he had carried out the instructions given him at last meeting, and now submitted to the Session a letter from A. B. denying the allegations of sinful conduct made against him in the statement.

The Session thereupon resolved to proceed to a Formal Inquiry, and fixed the meeting of Session for entering on it to be held here on the evening of , the day of .

The Session then prepared a statement of the matter for Formal Inquiry (see Rule, Chapter VII. Section IV. 8, page 84) as follows, viz.,

The Session appointed the Clerk to serve the foregoing statement in due form on A. B., and granted warrant for citing witnesses, and meantime discharge A. B. from the exercise of all official duties.

The Session met this evening for Formal Inquiry in the case of A. B. The meeting was constituted, etc.—Sederunt.

Read minutes of previous meeting in so far as bearing on the present meeting. The Clerk reported that he had carried out the instructions given at last meeting as to serving Formal Statement, etc. etc. He also reported that in a letter received four days ago, A. B. intimated his desire to have the assistance of Mr. , an elder in the congregation of D , as his adviser. The Session sanctioned Mr. so acting.

Compeared A. B., accompanied by Mr. , his adviser. The persons who had been cited to give evidence were in attendance.

The Clerk read the Formal Statement of the matters proponed for inquiry.

The Session proceeded to the examination of the witnesses, and the written evidence which had been produced was read. The hearing of evidence being completed, the Session held conference with Mr. , after which he (or his adviser) was heard.

The Court then proceeded to a decision, when it was moved, seconded, and unanimously agreed to, that it had been clearly established that A. B. was guilty of the sin alleged against him, viz.,

The Moderator announced this finding to A. B., and he acquiesced in it.

The Court then appointed the following censure:

(*or* A. B. protested against the finding and appealed to the Presbytery for reasons to be lodged in due time, and craved extracts, which were granted).

The Session appointed Mr. G. H. and Mr. J. K. to prepare Answers to the Reasons of Protest and submit them to the Session for approval, and afterwards to defend the decision before the Presbytery.

2. For Presbyteries.

(1) *Minutes in the case of a* fama *affecting the character of a Minister.*

At D , the day of 19 the Presbytery of D met, etc. Being alone, it was stated by M., a member of Court, that certain very unpleasant rumours were prevailing in regard to the character of A. B., minister at Z . Some other members of Presbytery corroborated the statement of M. as to the prevalence of the rumours. The Presbytery, after deliberation, agreed to appoint G. H. L. and M. a committee to make a preliminary inquiry respecting the rise of the *fama*, the persons originating the same, and the grounds on which it rests; and if thought expedient to confer with A. B., and to report. Agreed also to apprise A. B. that a *fama* affecting him in his character had been brought to their cognisance, and that they had appointed a committee to make preliminary inquiry, with power, if so advised, to confer with him. (See Rules, Chapter VII. Section iv. 4, page 6.)

The Presbytery of D. met, etc.

The committee appointed to inquire into the *fama* affecting A. B. reported their procedure in inquiring, and the result of their inquiries. They further reported that A. B. had at their invitation met with them, when they acquainted him with the nature of the *fama* affecting him, and had conference with him thereanent. The committee, as the result of their inquiries and of their conference with him, have come to the conclusion that there is reason for further investigation. They have accordingly prepared a full statement of the sinful conduct attributed to him, which they now submit to the Presbytery.

The Presbytery received the report of the committee, approved of their diligence and procedure in carrying out the remit of the Presbytery, and took up consideration of the Statement which the committee had prepared. After some amendments made on it, the Statement was adopted by the Presbytery as follows, viz.,

Instructed the Clerk to send a Certified Copy of the Statement to A. B., with request that at a meeting of Presbytery to be held here on the day of at o'clock, he shall state whether he admits or denies the allegations contained in the Statement.

The Presbytery of D. met, etc.

Resumed consideration of the case of A. B. The Clerk reported that, as instructed by the Presbytery, he had sent the Statement adopted at last meeting to A. B. A. B. being present, the question was put to him from the chair, whether or not he admitted the allegations of sinful conduct as set forth in the Statement which the Presbytery had submitted to him. A. B. before replying to the question, took exception to the Statement as not being precise and definite in certain particulars, viz.,

The Presbytery, after deliberation, gave effect to his objections, and made the following amendments on the Statement, viz.:

The question was again put to him whether he admitted or denied the allegations as amended. He denied them.

The Presbytery thereupon resolved to proceed to a formal inquiry into the *fama*, and appointed the day of 19 , within this place, as the time and place of meeting of the Presbytery for entering on and proceeding with the Inquiry.

Remitted to the Committee which has been already travelling in the case to prepare the "Statement of Matter for Formal Inquiry," and

submit the same at a meeting of Presbytery to be held here this day week at o'clock.

Further, the Presbytery discharged A. B. from the exercise of all official duties pending the inquiry, and made arrangements for the administration of religious ordinances in the congregation as follows, namely:

The Presbytery of D. met, etc.

The Committee, as instructed at last meeting, submitted the following draft of "Statement of Matter for Formal Inquiry" in the case of A. B., namely:

The Presbytery approved of the Statement, and ordered the Clerk to have it duly served on A. B., and granted warrant to cite witnesses to attend at the meeting appointed for the Formal Inquiry, and any adjournments.

Further, the Presbytery appointed two of its members, Mr. and Mr. , to arrange, after conference with A. B., the order of examination of the persons called as witnesses.

The Clerk was authorised to engage a skilled shorthand writer to take down the evidence given by the witnesses.

The Presbytery of met this day *in hunc effectum*, and was constituted, etc.—Sederunt.

Read minute appointing this meeting, and other minutes so far as necessary. The Clerk reported that he had obeyed the orders of the Presbytery as to service of "Formal Statement" on A. B., and had forwarded the same by registered letter, post office receipt for which he produced. The witnesses named in the Statement and those named by A. B. had been duly cited, and Mr. had been engaged as shorthand writer.

He further stated that A. B. had intimated to him four days ago that he proposed to have Mr. , an elder in the congregation of , to act as his adviser in the inquiry. The Presbytery sanctioned this proposal.

Compeared A. B., accompanied by Mr. , his adviser.

The Clerk read the Formal Statement. The Presbytery then proceeded to hear the evidence.

The examination of the witnesses being concluded, the following Productions were made, the documents being read so far as deemed necessary, namely:

The Presbytery then held conference with A. B., after which he was heard (or, at his desire, his adviser was heard).

With a view to arrive at a decision, the Presbytery agreed to deliberate in private, A. B. being excluded. After such deliberation, the Presbytery being now in open Court, and A. B. having been recalled, it was moved and seconded: That the Presbytery, having weighed the evidence which had been given and conferred with A. B. thereanent, after which he (or his adviser) was heard on the whole matter, finds that it has been proved that A. B. has, etc.

It was also moved and seconded: That the Presbytery having weighed, etc., finds that it has not been proved that A. B. has, etc.

A vote being taken between these motions, the first had a majority of votes, and accordingly became the finding of the Court.

The Moderator intimated the finding of the Presbytery to A. B., whereupon the said A. B. protested and appealed to the Synod of , for reasons to be lodged in due time, and craved extracts, which were granted.

The Presbytery appointed Messrs. L. and M. to prepare answers to the reasons, and to defend the decision of the Presbytery before the Synod.

(2) *Minutes in the case of alleged heresy against a Minister.*

In the case of alleged heresy coming before a Presbytery the Minutes of the preliminary inquiry are on lines similar to those given above in a case anent conduct.

The Presbytery of D. met, etc.

Resumed consideration of the case of A. B. The previous Minutes bearing on it were read. A. B. was present, and having had submitted to him at the previous meeting a statement of the heretical opinions attributed to him, the question was put to him from the chair whether he admitted that he held the opinions attributed to him. In reply A. B. made a statement on the matters alleged against him, which was followed by conference of the Presbytery with him. At the close of the conference he maintained that the views he had expressed did not contravene the standards of the Church.

It was moved and seconded, that the Presbytery having heard the statement of A. B., and conferred with him thereanent, finds that there is no sufficient ground for further procedure.

It was also moved and seconded, that in order to the proper disposal of the case there is need of further investigation, and the Presbytery agrees to proceed to a formal inquiry.

A vote being taken between these two motions, the second was preferred by a majority, and became the finding of the Court.

Thereupon A. B. demanded that the allegations affecting his orthodoxy be investigated by a trial under a libel. In accordance with this demand the Presbytery appointed L. and M. to prepare the libel, submit it to the legal adviser of the Church for revision, and lay it, when completed, before the Presbytery, and afterwards to act as prosecutors.

The Presbytery discharged A. B. from all official duties meantime, and arranged for the administration of religious ordinances in the congregation.

The Presbytery of D. met, etc.

Messrs. L. and M. laid before it the libel in the case of A. B., which they had been appointed to prepare, and which they stated had been revised by the legal adviser of the Church. The Presbytery having examined the libel, approved of the form in which it had been drawn, and ordered it to be served on A. B. Appointed a meeting for proceeding with the case to be held at on the day of at o'clock. The Clerk was instructed to have A. B. summoned in due form to appear at said meeting, and the Presbytery granted warrant for the citation of witnesses for both parties.

The Presbytery of D. met, etc.

Read Minute appointing this meeting. The Clerk reported that he had carried out the instructions given at last meeting. He had also received notice from A. B. that Mr. G. H. had consented to act as his adviser. The Presbytery sanctioned this arrangement.

Parties were called to the bar, when there compeared L. and M., prosecutors, appointed by the Presbytery, and A. B. the accused, accompanied by G. H. his adviser.

The Clerk read the libel.

A. B. took exception to the relevancy of the libel, and stated the following objections, viz.:

The prosecutors were heard in support of the relevancy, and G. H. in reply. Parties were removed.

It was moved and seconded that the objections be repelled, and the relevancy of the libel sustained.

It was also moved and seconded that the objections to parts of the libel be repelled, and the relevancy of these parts sustained;

APPENDIX V.

and that the objection to part of the libel be allowed, and the Presbytery find that part of the libel irrelevant.

A vote being taken between these motions, the second was preferred by a majority and became the finding of the Presbytery.

Parties having been recalled, the decision was announced to them.

The prosecutors acquiesced in the decision. The accused acquiesced in the decision in so far as it had found part of the libel irrelevant; *quod ultra*, he protested against the decision, and appealed to the Synod of for reasons to be lodged in due time, and craved extracts, which were granted.

From this decision, in so far as it did not sustain the relevancy of part of the libel, P. Q. for himself and all who should adhere to him dissented, and complained to the Synod for reasons, etc.

The Presbytery appointed Messrs. W. and Y. to prepare answers to the reasons of Protest and Appeal, and of Dissent and Complaint, and defend the decision before the Synod.

(3) *Minutes when the Presbytery itself prosecutes in a trial by libel.*

The Presbytery of D. met, etc.

The Clerk submitted draft of libel which he had prepared, as instructed, in the case of A. B., and which had been revised by the legal adviser of the Church. The Presbytery approved of the form in which the libel had been drawn, and resolved to consider its relevancy and the propriety of serving it at a meeting of Presbytery to be held at on the day of 19 , at o'clock.

Instructed the Clerk to have A. B. summoned in regular form to attend said meeting; also to transmit to A. B. a copy of the proposed libel and of the Minute now agreed to regarding it, in such time as to give him full ten days' notice.

The Presbytery of D. met, etc.

The Presbytery took up the case of the libel against Mr. A. B.

The Clerk reported that he had carried out the instructions given him at last meeting. A. B. appeared in his place as a member of Court. The Presbytery took into consideration the proposed form of libel against A. B.

It was moved and seconded that this form be found relevant as a libel.

It was also moved and seconded that it be found irrelevant.

The votes having been marked, etc. etc.

The Presbytery accordingly resolve to serve the libel upon A. B., as one which they have already found to be relevant. From which judgment A. B. dissented, and protested for leave to complain to the Synod of ; promising, etc. etc.

The Presbytery appointed Messrs. a committee to prepare answers to A. B.'s reasons of dissent and complaint, and to defend the finding of the Presbytery before the Superior Courts, until a final decision on the relevancy shall have been pronounced.

The Presbytery discharged A. B. from the exercise of all official duties meanwhile, and appointed G. Y. to be *interim* Moderator of the Session of .

(4) *Minute in case of Deposition.*

The Presbytery having after a formal inquiry (or, after a trial by libel) found A. B., Minister of , to be guilty of the sin , inasmuch as (narrate the matters found proven), therefore the Presbytery adjudged that he be deposed from the office of the holy ministry.

Previously to the Moderator pronouncing the solemn sentence of deposition, prayer was offered by Mr. . The Moderator then pronounced the sentence of deposition as follows:—In the name of the Lord Jesus Christ, the sole King and Head of this Church, and by virtue of the power and authority committed by Him to it, I do now solemnly depose you, A. B., Minister of the United Free Church Congregation at C., from the office of the holy ministry, prohibiting and discharging you from exercising the same, or any part thereof, in all time coming, under the pain of the highest censure of the Church; and I do declare the church of C. vacant, from and after the day and date of this sentence.

(5) *Minute in the case of Deprivation of Licence of a Preacher.*

The Presbytery therefore did, and hereby do, deprive the said A. B. of his license as a preacher of the Gospel, declare that he cannot be admitted into any pulpit within the bounds of the United Free Church of Scotland, and that he is disqualified to accept a call, or be received into any pastoral charge.

III. Specimen Extracts.

1. When whole Minute is given.

At , the day of 19 :
Which day the of having met and been constituted,—Sederunt (*give it full*), etc. etc.

Extracted by

Clerk.

2. Where only part given.

At, etc. (*no Sederunt*).
Inter alia, etc. etc.

Extracted by

Clerk.

3. Form of Extract Minute in case of Protest and Appeal.

At C , the day of 19 .
Which day and place the Session of the United Free Church congregation of C met, and was constituted with prayer by the Rev. A. B , Moderator.
Inter alia,—
(*Here narrate the case as submitted to the Session, the Session's procedure, the motions, if any, made and seconded, and the judgment of the Session.*)
The judgment was intimated to L. M. (*or*, to the parties, if more than one), whereupon the said L. M. protested and appealed to the Presbytery of , for reasons to be lodged in due time, and craved extracts, which were granted.
The Session appointed Messrs. G. H. and R. P. to defend its judgment before the Presbytery.
Extracted from the records of the Session by

E. F., *Session-Clerk.*

An extract minute of Presbytery is to be in the same form.

Appendix V.

4. Form of Extract in case of Dissent and Complaint.

At E , the day of 19 .

Which day and place the E Presbytery of the United Free Church met, and was constituted with prayer by the Rev. G. H., Moderator.

Inter alia,—

It was moved and seconded that, etc.

It was also moved and seconded that, etc.

A vote being taken, it was found that there was a majority of votes for the first motion, and the Presbytery decided in terms thereof.

Against this decision, Mr. R. S., for himself and all who should adhere to him, dissented and complained to the Synod of for reasons to be lodged in due time, and craved extracts, which were granted.

The Presbytery appointed Messrs. J. K. and A. T. to defend its decision before the Synod.

Extracted from the records of the Presbytery by

G. W., *Presbytery Clerk.*

An extract minute of Session is to be in the same form.

APPENDIX VI.

FORMS.

I. Questions suggested as suitable to be put to Applicants for Admission to the Church.

1. Do you accept the Scriptures of the Old and New Testaments as the Word of God and the supreme rule of faith and practice?

2. Do you believe in one God—the Father, the Son, and the Holy Ghost?

3. Do you acknowledge yourselves to be sinners, and therefore in need of Salvation, and do you believe that you can be saved only by the grace of God, the redeeming work of Christ, and the regenerating and sanctifying power of the Holy Ghost?

4. Do you believe in Jesus Christ as the only Redeemer of men? Do you accept and trust Him as your Saviour, own Him as your Lord, and engage, in dependence on the promised help of His Spirit, to obey His commands and follow His example?

5. Do you accept the views of truth and duty held by this Church, and the principles on which its constitution and order are founded?

6. Do you promise to submit to the Session of this Congregation, and to the higher Courts of this Church, as being over you in the Lord, to observe the ordinances of God, to contribute according to your ability towards the support of the Gospel and its extension both at home and abroad; and will you study to promote the welfare of this Congregation, and seek by a holy life to adorn the doctrine of God our Saviour?

II. Certificate of Disjunction.

C , 19 .

That the Bearer, A. B., is a member of the United Free Church of Scotland, and leaves the Congregation of C , at this date, in full communion, is certified by

E. F., *Minister.*
P. Q., *Session-Clerk.*

III. Edict for Ordination and Admission of Elders.

Whereas A., B., C., and D., members of this Congregation, have lately been elected to be Ruling Elders in the same, and the Session, having judged them to be duly qualified for the office, has sustained their election; and the aforesaid A., B., C., and D. have intimated their acceptance of the office of the eldership: Notice is hereby given to all concerned, that if they, or any of them, have objections to state why the said A., B., C., and D., or any of them, should not be ordained (or, *where one of those elected has been already ordained,* why A., B., and C., or any of them should not be ordained, or D. not admitted) to the office of Ruling Elder, they repair to the Session, appointed to meet in the Session House on the day of at o'clock, to state the same; with certification that if no relevant objection affecting life or doctrine be then made and substantiated, the Session will proceed to the ordination (*or* ordination and admission) without delay.

By order of the Session,

P. Q., *Session-Clerk.*

Appendix VI.

IV. Declaration of Licence.

To be made in the terms given in Chapter IV., Section III., Division I. 1 (11), page 36.

V. Exhortation to be Read to Vacant Congregations.

(*Approved by General Assembly*, 1895).

Address to vacant congregations.

Dear Friends,—As a Congregation of the United Free Church of Scotland you are entrusted with the responsibility of choosing a pastor to be over you in the Lord. It is a duty that each one owes to his Congregation and his Church, to take his proper part in this matter; it is a duty to himself to get in this way a directly personal interest in the pastor of his choice and in his ministrations. Having the best interests of all our Congregations at heart, we desire to address to you a few words in connection with this important matter, that may assist in giving your thoughts a right direction in regard to it, and may contribute, under the Divine blessing, to a happy and harmonious settlement.

We have reason to thank God for the measure of peace and good feeling which has characterised our congregational elections and settlements in time past. But there have not been wanting indications, from time to time, of a spirit of division rising up in Congregations, leading in some cases to actual separations. Where the real root of these evils is to be found it may be difficult in each particular case to determine. But there are weighty considerations, which, if attended to, might have the effect of inducing the Members of our Church always to bear and forbear with one another, and to be willing to accept the combined result of congregational opinion, rather than to insist on the attainment of their own particular desires.

We would ask you, therefore, in going forward to the election of a minister, to bear in mind:—

1. That it is a teacher and guide in spiritual things for yourselves and your families you are now called upon to choose. Such a man must stand in a direct personal relation with every one connected with the Congregation. He ought to be the friend and counsellor of each one, young or old. He ought, therefore, as far as possible, to be the willing choice of every one, acceptable to each and welcomed by all. The United Free Church represents revolts against the intrusion of unwelcome ministers by outside parties. Shall we not belie our origin if either we are to have ministers, unwelcome to an important minority, imposed on them by mere force of numbers; or if a minority thwarts the desires of a majority for any but the weightiest reasons?

2. Your election of a minister is the act of a Christian Congregation, a body of people associated together for the furtherance of the religion of Christ in the locality in which they reside. It is not the act simply of the community at large, or of any artificial section of it, but of a distinctively religious body. It must be conducted therefore in a spirit worthy of the religion you profess, worthy of Christ in whose name you are associated, and in such a way as to foster rather than to injure Christian feeling, and to promote religious unity and brotherly love.

With these conditions in view, we ask you:—

1. To make the election of a minister a matter of earnest and repeated prayer, not only that you may be guided to the choice of a man who shall come among you as a true messenger of Christ to your souls, but that the election may be conducted in a spirit of brotherly kindness and forbearance, as befits professing followers of Christ.

2. To strive after that love that seeketh not its own—an unselfish spirit, willing that the preferences and judgments, and even the

prejudices of others, should have the fullest and kindliest consideration, and resolved that, whatever happens, you will not press your own opinion to the extent of breaking up the outward, or even the inward unity of the Congregation to which you belong.

If all are thoroughly in earnest in these matters, we confidently hope that, by the blessing of God, such a relation will be formed between pastor and people as shall make them real helpers the one of the other, and shall kindle such a spirit of unity and love in all our Congregations, that men shall know that we are true disciples of the Lord Jesus.

VI. Notice of Meeting for Moderation in a Call.

Notice of meeting for moderation of a Call.

In name and by appointment of the United Free Presbytery of , I hereby intimate that, in consequence of an application from this Congregation, the said Presbytery agree to meet within this Church on Thursday, the day of next, at o'clock in the , for the purpose of moderating in a Call for filling up the vacancy in this Congregation [*or, if the name be inserted,* in a Call to Mr. to be Minister of this Congregation] the Rev. to preach and preside on the occasion.

J. A., *Presbytery Clerk.*

VII. Attestation of Intimation having been made.

Church, the day of 19 .

The above intimation was duly made by me.

A. C., *Minister.*

VIII. Forms of a Call.

Forms of Call.

(1.) We, the undersigned Elders, Deacons (where there is a Deacons' Court), and Members of the United Free Church Congregation at , desirous of promoting the glory of God and the good of the Church, being destitute of a fixed pastor, and being assured, by good information and our own experience of the ministerial abilities, piety, literature, and prudence, as also of the suitableness to our capacities of the gifts of you, Mr. S. T., preacher of the Gospel, have agreed to invite, call, and entreat, like as we, by these presents, do heartily invite, call, and entreat you to undertake the office of Pastor among us, and the charge of our souls; and further, upon your accepting this our Call, promise you all dutiful respect, encouragement, and obedience in the Lord, and we promise to contribute heartily, as the Lord shall enable us, towards the maintenance of the Christian Ministry and the furtherance of the Gospel.

In witness whereof, we have subscribed these presents, this day of , one thousand nine hundred and years.

(*Here follow the Signatures.*)

(2.) We, the Elders, Deacons (where there is a Deacons' Court), and Members of the United Free Church Congregation at , desirous of promoting the glory of God and the good of the Church, considering the importance of a Colleague being now appointed to the Rev. A. B., our present Minister, in his ministerial charge; and being satisfied, by good information and our own experience, etc. (*The rest* ut supra.)

Appendix VI.

IX. Forms connected with the Signing of a Call.

(1) *Form of Attestation of Call by Moderator of Presbytery.*

That the above names, to the number of persons, certified to be Members of and in full communion with the United Free Church Congregation of , were subscribed by the parties themselves or their Mandatories in presence of the Presbytery, this day of 19 , is attested by

L. M., *Moderator.*

(2) *Form of Concurrence in a Call by Persons not in Full Communion.*

We, the subscribers, ordinary hearers in the United Free Church Congregation of , hereby declare our hearty concurrence in the Call addressed by the members of the said congregation to to be their pastor.

(3) *Form of Attestation of Concurrence.*

That the above names, to the number of persons, ordinary hearers in the United Free Church Congregation of , were subscribed by the parties themselves in presence of the Presbytery, this day of 19 , is attested by

L. M., *Moderator.*

(4) *Form of Adherence to the Call by Members signing after the Day of Moderation.*

We, the undersigned members of the United Free Church Congregation of , do hereby signify our hearty adherence to the above Call, addressed to to be minister of said congregation.

(5) *Form of Attestation by Elders to the Signatures to the Paper of Adherence.*

That the above names, to the number of persons, members of and in full communion with the United Free Church Congregation of , were subscribed by the parties themselves in our presence, or by one of us at their special request, this day of , 19 , is attested by

N. O., *Elder.*
P. Q., *Elder.*

(6) *Form of Attestation by Elders to the Paper of Concurrence.*

That the above names, to the number of persons, ordinary hearers in the United Free Church Congregation of , were subscribed by the parties themselves in our presence, or by one of us at their special request, this day of , 19 , is attested by

N. O., *Elder.*
P. Q., *Elder.*

(7) *Form of Mandate to sign a Call.*

Congregation of

I (*or*, We) a Member (*or*, Members) of Congregation, in full communion, hereby authorise the Session Clerk, or

any other member of Session of said congregation, to adhibit my name (*or*, our names) to the Call to be addressed to to be our Minister.

(*Signature*)

(*Address*)

(*Date*)

N.B.—When a Mandate is from two or more persons, each must sign it, adding his, or her, address.

X. Form of Intimation for Meeting of Congregation in case of a Translating Call.

To be read to the congregation on the Sabbath after the call is sustained, and attested by the officiating preacher or minister.

Whereas the congregation of has addressed a call to the Rev. , minister of this congregation, to be its minister, and said call has been sustained by the Presbytery of , as a call regularly proceeded in :

Notice is hereby given, that a meeting of the congregation will be held in this place on the day of , at o'clock, for the purpose of considering the circumstances in which the congregation is placed by the call given to the minister, and of taking such steps thereanent as may be resolved upon.

J. G., *Presbytery Clerk.*

XI. Edict for the Ordination of a Preacher or Induction of a Minister.

To be read to the congregation of , on Sabbath the day of , and on Sabbath the day of 19 , and attested on each of these days by the officiating preacher as having been read by him.

Whereas the Presbytery of of the United Free Church of Scotland has received a call from this congregation, addressed to , preacher (*or*, minister) of the gospel, to be their minister, and the said call has been sustained as a regular call, and been accepted by him, and he has undergone trials for ordination (*or*, he has been loosed from his former pastoral charge) :

And whereas the said Presbytery (having judged the said qualified for the ministry of the gospel, and the pastoral charge of this congregation),[1] has resolved to proceed to his ordination (*or*, induction) on , the day of , unless something occur which may reasonably impede it, Notice is hereby given to all concerned, that if they, or any of them, have anything to object to the life or doctrine of the said , they repair to the Presbytery, which is to meet at on the said the day of , at o'clock :

With certification, that if no relevant objection be then made, and immediately substantiated, the Presbytery will proceed without further delay.

By order of Presbytery.

J. G., *Presbytery Clerk.*

[1] To be omitted in case of an Induction.

Appendix VI.

XII. Edict for the Ordination of a Missionary, or of one appointed to be a Minister in a Foreign Country.

To be read to the congregation of , on Sabbath the day of , and on Sabbath the day of 19 , and attested on each of these days by the officiating preacher as having been read by him.

Whereas the Presbytery of of the United Free Church of Scotland has received notice of the appointment of , preacher of the gospel, as missionary to (*or*, to be minister of), which appointment has been accepted by him, and he has undergone trials for ordination:

And whereas the said Presbytery, having judged the said qualified for the ministry of the gospel and the missionary (*or*, ministerial) office, has resolved to proceed to his ordination on the day of , unless something occur which may reasonably impede it, Notice is hereby given to all concerned, that if they, or any of them, have anything to object to the life or doctrine of the said , they repair to the Presbytery, which is to meet at on the said , the day of at o'clock :

With certification, that if no relevant objection be then made, and immediately substantiated, the Presbytery will proceed without further delay.

By order of Presbytery.

J. G., *Presbytery Clerk.*

XIII. Attestation of Edict being Served.

Church, the day of , 19 .

The above Edict was this day duly served by me, in the face of the Congregation.

A. C., *Minister* (*or*, *Preacher*).

XIV. Declaration of Ordination and Induction, or Induction only.

The Moderator addresses the Minister in terms of the Declaration given in Chapter iv., Section iii., Division i. 49, page 46.

XV. Admission of Ministers and Probationers from other Churches.

1. A minister without a charge or a probationer from the Presbyterian Church of England, may, on producing a satisfactory presbyterial certificate, be received by the Presbytery within whose bounds he already is, or is about to become, resident. If the person so received was on the Probationers' Roll of the said Church, the Presbytery may if he so desires, transmit his name forthwith to the Committee on Distribution of Probationers that it may be placed on the Roll. But the time already served by him as a probationer shall be deducted from the probationary period allowed in this Church.

2. In the case of ministers without charges or probationers who do not belong to the Presbyterian Church of England, the following rules are in force:—

(*a*) No such minister or probationer shall be received to the status of a minister or probationer of this Church without the authority of the Supreme Court.

(*b*) Every application to be received to the status of a minister or probationer of this Church shall be made to the Presbytery within whose bounds the applicant has his ordinary residence, and the application must be made at least three months before the ordinary meeting of the Supreme Court.

(*c*) The Presbytery to which the application is made shall transmit to the Supreme Court its answers to such of the following questions as relate to the applicant's case:—

(1.) At what college or colleges did the applicant study (*a*) Arts; (*b*) Theology? How many sessions did he take? What was their length? What classes did he attend as a regular student, and in what years?

(2.) By whom and at what date was the applicant licensed to preach the Gospel;

(3.) When and by whom was the applicant ordained?

(4.) What is the denomination which the applicant has left or is about to leave?

(5.) Has the applicant been connected, as minister, preacher, or member with any other denomination or denominations?

(6.) Of what congregation or congregations has the applicant been the pastor? How long did the pastorate continue?

(7.) Under what circumstances did the applicant leave his charge?

(8.) What reasons does the applicant assign for his desire to be received into this Church?

(9.) In so far as there is a diversity of principle between this Church and that which the applicant has left or is about to leave, what account does he give of the change in his views?

(10.) Has the applicant fully acquainted himself with the Standards of this Church, and in particular with the principles expressed in the Fourth Question of the Questions and Formula; and is he prepared to assent to the Questions and Formula?

(11.) How long has the applicant resided within the Presbytery's bounds?

(12.) What opportunities has the Presbytery had of judging of the applicant's character and gifts and probable usefulness? And what is the Presbytery's opinion of the same?

(13.) Does the Presbytery recommend the General Assembly to authorise the applicant's admission.

(*d*) When the General Assembly grants an application, it remits to the Presbytery by which the application has been transmitted to put to the applicant the Questions prescribed by the Church, and when these have been satisfactorily answered and the relative Formula signed, to receive him to the status of a minister or probationer of the Church.

3. Ministers settled in charges of the Presbyterian Church in Ireland, or of Presbyterian Churches in the Colonies with which the United Church is in connection, are eligible for call and translation in the ordinary way.

XVI. Commission to Elder to sit in Presbytery and Synod.

At C , the day of 19 , which day and place the Session of the United Free Church Congregation of C met, and was constituted with prayer by the Rev. A. B., Moderator.

Inter alia,—The Session appointed *bona fide*

APPENDIX VI.

an acting Elder (*or*, acting Elders, *as the case may be*) of the congregation, to represent them in the Presbytery of , and Synod of , during the current year.

Extracted from the Records of Session by

E. F., *Session Clerk.*

XVII. FORMS FOR COMMISSIONERS TO THE GENERAL ASSEMBLY.

1. *Minute of Presbytery, forming Commission to Representatives in General Assembly.*

Commission for Representatives to Assembly.

At the day of 19 years.—The which day the United Free Church Presbytery of being convened betwixt the hours of eleven o'clock A.M. and eight o'clock P.M., in order to elect their representatives to the ensuing Assembly, pursuant to a Resolution entered in their Minutes on the day of One thousand nine hundred and , did, and hereby do, nominate and appoint , Minister at , and , Minister at , and , Minister at , with , Ruling Elders, their Commissioners to the next General Assembly of the United Free Church of Scotland, indicted to meet at Edinburgh the day of May next to come, or when and where it shall happen to sit, willing them to repair thereto, and to attend all the diets of the same, and there to consult, vote, and determine in all matters that come before them, to the glory of God and the good of His Church, according to the Word of God, the Confession of Faith, and agreeable to the constitution of this Church, as they will be answerable; and that they report their diligence therein at their return therefrom. And the said Presbytery do hereby testify and declare, That all the Ministers above named have signed the Formula. And further, That the said Elders are of unblemished character, circumspect in their walk, regular in giving attendance on the ordinances of Divine Institution, and behave in other respects agreeable to their office. All which the Presbytery have hereby attested on proper information.

Attested by

Moderator.
Clerk.

2. *After-Election of a Minister.*

After-Election of a Minister

At the day of 19 years:—The which day the United Free Church Presbytery of , being convened betwixt the hours of eleven o'clock A.M. and eight o'clock P.M., and[1] did, and hereby do, nominate and appoint in place, their Commissioner to the next General Assembly of the United Free Church of Scotland; and do hereby testify and declare, that signed the Formula; which the Presbytery hereby attest upon proper information.

Attested by

Moderator.
Clerk.

3. *After-Election of an Elder.*

After-Election of an Elder.

At the day of 19 years:—The which day the United Free Church Presbytery of , being convened betwixt the hours of eleven o'clock A.M. and eight o'clock P.M., and[1] did, and hereby do, nominate and appoint in place, their Commissioner to the next General Assembly of

[1] Here narrate the occasion of the new election.

the United Free Church of Scotland; and do hereby testify and declare, that he is in all respects qualified in the same manner as the Commissioner in whose room he is chosen; which the Presbytery hereby attest upon proper information.

Attested by

Moderator
Clerk.

4. *Certificate of a Ruling Elder returned as Commissioner to the General Assembly.*

At the day of One thousand nine hundred and years; which day the Kirk-Session of the United Free Church Congregation of being met and constituted,—Sederunt, the Rev. , Moderator, and (*naming them*) Elders,—the said Session did, and hereby do, certify and declare that (*name and designation*), Ruling Elder and Member of said Session, is *bona fide* an acting Elder of their Congregation, and that he has signed the Formula

Moderator.
Clerk.

N.B.—The clause in the certificate of each representative to the General Assembly "that he has signed the *Formula*" shall, in the case of Ministers and Elders ordained previous to the Union, be understood to mean that he has assented to the Formula in use in that Church by which he was ordained. (Deliverance of Assembly, 1st November 1900.)

XVIII. Forms connected with Cases of Discipline.

1. *Statement of Matter for Formal Inquiry in Cases of Discipline.*

(1) *Form in the case of a Member of the Church.*

Whereas there has been brought to the cognisance of the Session of congregation, , a complaint (or *allegation* or fama) to the effect that you, A. B., member of said congregation, did . . . (*here insert full particulars of the sin or offence charged, and of the time when, and place where it is said to have been committed,* and *any alleged circumstances constituting an aggravation of the sin or offence*):

The Session has resolved to hold a formal inquiry into the said complaint (or *allegation* or fama) at a meeting to be held in the Session House on the evening of Thursday, 7th May next, at 7 o'clock. You are required as the person concerned to attend for your interest the said meeting:

C. D., E. F., and Isabella H., and also R. S., and X. Y., will be brought forward for examination, along with any other persons whose attendance as being able to give information you may desire. On receiving their names and addresses from you, the Session-Clerk will take steps with a view to securing their presence.

Dated this 24th day of April 19 .

P. M., *Session-Clerk.*

(2) *Form in the case of a Minister.*

(*a*) *Doctrine.*

Whereas there has been brought to the cognisance of the Presbytery of , a complaint (or *allegation* or fama) to the effect that you, X. T., minister at , and

member of said Presbytery, in a sermon preached by you . . . (*here insert full particulars of time and place, and of the heresy or false doctrine charged*): and that the said doctrine is contrary to the Standards of the Church, and in particular is contrary to the following passages of the Confession of Faith, viz.: (*specify the particular passages of the Confession*).

The Presbytery has resolved to hold a formal inquiry into the said complaint (or *allegation* or fama) on Tuesday, the 10th day of March next, at o'clock, in the Presbytery Hall, Street, , and you are required as the person concerned to attend for your interest the said meeting:

The following persons will be brought forward for examination, namely, A. B., J. K., R. S., etc. On your sending to the Presbytery Clerk the names of any other persons whom you regard as able to give helpful information, he will take steps with a view to securing their presence.

Dated this 24th day of February 19 .

G., *Presbytery Clerk.*

Or, Whereas there has been laid on the table of the Presbytery a book, entitled , of which you are the (*reputed* or *avowed*) author, and it is averred that in said book you maintain . . . (*here insert full particulars of the false doctrine charged*), and that the said doctrine is contrary to the Standards of the Church, and in particular is contrary to the following passages of the Confession of Faith. viz.: (*specify the particular passage or passages*) and there have been adduced in support of the averment the said book and in particular the following passages thereof, namely, . . .

The Presbytery has resolved to hold a formal inquiry into the said averment. For this purpose the Presbytery will meet in the Presbytery Hall, Street, , on day of , at o'clock, and you are required as the person concerned to attend for your interest the said meeting.

Dated this 23rd day of June 19 .

J. G., *Presbytery Clerk.*

(*b*) *Conduct.*

Whereas there has been brought to the cognisance of the Presbytery of a complaint (or *allegation* or fama clamosa) that you, C. D., minister at , and member of said Presbytery . . . (*here state precisely what the sin or offence was, and the time and place;* and also, *any alleged circumstances constituting an aggravation thereof*):

The Presbytery has resolved to hold a formal inquiry into the said complaint (or *allegation* or fama), at a meeting to be held on Thursday, the 20th day of March next, at 11 o'clock A.M., in the Presbytery Hall, Street, , and you are required as the person concerned to attend for your interest the said meeting:

The following persons will be brought forward for examination, namely, F. G., W. M., and A. D., etc. The following documents may be produced and used. (*Here specify them.*) On your sending to the Presbytery Clerk the names and addresses of any other persons whom you regard as able to give helpful information, he will take steps with a view to securing their presence.

Dated this 8th day of February 19 .

J. G., *Presbytery Clerk.*

2. *Order by Presbytery appointing Service of Formal Statement of Matter for Formal Inquiry.*

To be written on the Formal Statement.

At , and on the day of 19 , the Presbytery appoints the foregoing formal statement, with (list of witnesses and documents and) this deliverance, to be served on the said Rev. A. B., and requires him to be present at the meeting of the Presbytery, within its usual place of meeting, at , on the day of 19 , to attend for his interest the formal inquiry into the complaint (or *allegation* or fama) affecting him.

Further, the Presbytery grants warrant for citing witnesses.

J. G., *Presbytery Clerk.*

3. *Citation.*

To be written on the Certified Copy of the Formal Statement and Order of Service.

To the Rev. A. B.—Take notice that you are required to be present at the Presbytery in terms of the foregoing certified copy Order of Service.

J. K., *Presbytery Officer.*
or M. N., *Presbytery Clerk.*

Note.—The citation shall be signed by the Presbytery Officer when service is made on the Respondent personally, or by leaving a copy at his residence, and by the Presbytery Clerk when made by registered letter.

4. *Certificate of Service by the Officer.*

To be written on the Formal Statement.

(a) *When served personally or by being left at Residence.*

A certified copy of the foregoing formal statement (with list of witnesses and documents), and deliverance by the Presbytery appointing service of formal statement of matter for formal inquiry, as also notice requiring his presence at the Presbytery, in terms of said deliverance, was served on the within-designed Rev. A. B., the same having been delivered to him personally by me (*or*, the same having been left by me addressed to him, at his dwelling-house [*insert address*]), on the day of 19 , in the presence of L. M. [*design him*].

J. K., *Presbytery Officer.*

L. M., *Witness.*

(b) *When served by Registered Letter.*

A certified copy of the foregoing formal statement (with list of witnesses and documents), and deliverance by the Presbytery appointing service of formal statement of matter for formal inquiry, as also notice requiring his presence at the Presbytery, in terms of said deliverance, was served on the within-designed Rev. A. B., the same having been sent by registered letter, addressed to him at his ordinary address, as follows :— [*insert full address as on letter*], the post-office receipt for which is here produced, on the day of 19 .

M. N., *Presbytery Clerk.*

APPENDIX VI.

5. *Form of Oath to be administered to a Witness.*

I swear by Almighty God, as I shall answer to God at the great day of judgment, that I will tell the truth, the whole truth, and nothing but the truth, in so far as I know, and as the same shall be asked at me.

6. *Statutory Declaration by Shorthand Writer.*

I, A. B., skilled shorthand writer in , *Do* solemnly and sincerely *Declare* that what is contained in the preceding pages, each of which is signed by me, is a true and correct transcript of the statements made by the persons whose statements they purport to be, as taken down by me in presence of . . . [*Name of the Court*, e.g. "*the Presbytery of X*," or "*a Committee of the Presbytery of Y*"] upon . . . [*insert date or dates on which the statements were taken*], and I make this declaration conscientiously believing the same to be true, by virtue of the provisions of "The Statutory Declarations Act, 1835."

A. B.

Declared at , on the day of , in the year , before me,

C. D.,
J.P. for the County of .

Note.—This declaration must be written upon a sheet of paper bearing an impressed half-crown stamp.

7. *Form of Libel for Heresy.*

The Rev. A. B., minister of the United Free Church of Scotland, under the inspection of the Presbytery of ; You are libelled at the instance of and , Prosecutors appointed by the said Presbytery of ; and the charge against you is that you, the said Rev. A. B., have promulgated what is contrary to the doctrine of the Word of God, and the Subordinate Standards, and in particular to the following passages of the Confession of Faith (*specify the particular passage or passages of the Confession*) in so far as, in a sermon preached by you in Church, on Sabbath, the day of 19 , or one or other of the Sabbaths, or one or other of the days of that month, you . . . [*here insert full particulars of the heresy or false doctrine charged*], (*or*, in so far as in a publication issued by you, or by those acting under your authority and instruction, and entitled , you . . . [*here insert particulars of the false doctrine charged*]).

C. D., *Prosecutor.*
E. F., *Prosecutor.*

List of witnesses, documents, etc. :—

1. R. S., Draper, 10 King Street, Ayr [*full name and address*].
2.
3. "Arianism Vindicated," etc. [*quote title-page in full. Also quote, or give specific references to the particular passages founded on*].

8. *Form of Libel for Immorality.*

The Rev. A. B., minister of the United Free Church of Scotland, under the inspection of the Presbytery of ; You are libelled at the instance of and , Prosecutors

appointed by the said Presbytery of ; and the charge against you is that you, the said Rev. A. B., have been guilty of the offence of . . . [*here state the offence or offences charged and particulars*, e.g. "*drunkenness*"], in so far as:—

1. On Monday, the day of 19 , or about that time, and within the house of , situated at , you were so much under the influence of alcoholic drink, or other stimulants, as to . . . [*here state particulars*];
2. Further on Wednesday, etc.

C. D., *Prosecutor.*
E. F., *Prosecutor.*

List of witnesses:—
1.
2.

9. *Order by Presbytery to serve the Libel.*

To be written on the Libel.

At , and on the day of 19 , the Presbytery appoint the foregoing libel (with list of witnesses and documents), and this deliverance, to be served on the said Rev. A. B., and ordain him to compear before the Presbytery, within their usual place of meeting, at on the day of 19 , to answer to said libel; Further, the Presbytery grant warrant for citing witnesses for both parties.

J. G., *Presbytery Clerk.*

10. *Citation.*

To be written on the Certified Copy of the Libel issued on the Respondent.

To the Rev. A. B.—Take notice that you will have to compear before the Presbytery of the United Free Church of Scotland, within their usual place of meeting, at on the day of 19 , to answer to the libel, a copy of which is prefixed.
Served this day of 19 .

J. K., *Presbytery Officer.*
or M. N., *Presbytery Clerk.*

Note.—The citation shall be signed by the Presbytery Officer when service is made on the Respondent personally, or by leaving a copy at his residence, and by the Presbytery Clerk when made by registered letter.

11. *Certificate of Service.*

To be written on the Libel.

(a) *When served personally, or by being left at residence.*

A certified copy of the within libel (with list of witnesses and documents), and of the Presbytery's deliverance, dated , as also notice of compearance in terms of said deliverance, was served on the within-designed Rev. A. B., the same being delivered to him personally by me (*or*, the same being left by me within his dwelling-house [*insert address*] with a servant), on the day of 19 , in presence of L. M. [*design him*].

J. K., *Presbytery Officer.*

L. M., *Witness.*

APPENDIX VI.

(b) *When served by registered letter.*

A certified copy of the within libel (with list of witnesses and documents), and of the Presbytery's deliverance, dated , as also notice of compearance in terms of said deliverance, was served on the within-designed Rev. A. B., the same having been sent by registered letter, addressed to him at his ordinary address, as follows [*insert full address as on letter*], the post-office receipt for which is here produced, on the day of 19 .

M. N., *Presbytery Clerk.*

XIX. FORMS OF PETITIONS, IN WHICH KIRK-SESSIONS ARE SPECIALLY INTERESTED.

1. *Petition to the Kirk-Session with reference to Congregational matters.*

Petition to Kirk-Session.

To the Moderator and other Members of the Kirk-Session of

The humble Petition of the undersigned showeth,—

That, etc. etc.

Your Petitioners, therefore, crave that you take such steps as you can consistently with the laws of the Church for, etc. etc.

[*Then follow signatures with designations, including Church Membership, etc.*]

2. *Petition by the Kirk-Session or others to the Presbytery with reference to the conduct of the Minister.*

Petition by Kirk-Session.

To the Moderator and Members of the United Free Church Presbytery of

The humble Petition of the undersigned showeth,—

That we are painfully constrained by a sense of duty to represent that the Rev. , our Minister, has acted in a manner recently which, in our view, calls for your notice and interposition, inasmuch as

1. The
2. Etc. etc.
3. Etc. etc.

It appears to us that we have no remedy, except in petitioning your Reverend body. We therefore ask you to take the matter into your consideration, and to make such inquiry as to your wisdom may seem meet, whether by presbyterial visitation or otherwise.

[*Then follow signatures and designations, etc.*]

3. *Petition against arbitrary action of the Kirk-Session.*

Petition against Kirk-Session.

To the Moderator and other Members of the United Free Church Presbytery of , the humble Petition of the undersigned showeth,—

That the Kirk-Session of did, and thereby deprived your Petitioner of the usual remedy by appeal. Your Petitioners, therefore, crave the interposition of your Reverend Court to rectify the injustice that has been done.

[*Then follow signatures and designations.*]

4. *Petition against irregular action of the Deacons' Court.*

Petition against Action of Deacons' Court.

To

The Moderator and other Members of the United Free Church Presbytery of

The humble Petition of the undersigned showeth,—

That the Deacons' Court of the United Free Church Congregation of , did, by a Minute of date , resolve as follows :—(*Here take in.*) Your Petitioners regard this Resolution as

contrary to Act Assembly , and as *ultra vires* of the Deacons Court. We therefore crave your interposition to rectify what we consider a violation of constitutional order.

[*Then follow signatures and designations.*]

XX. Form of Overture.

At , the day of 19
The Presbytery of met, etc.

Inter alia,—

The Presbytery agreed to transmit the following overture to the Synod (*or* General Assembly):—It is hereby overtured by the Presbytery of to the Synod of of the United Free Church of Scotland (*or* to the General Assembly of the United Free Church of Scotland), appointed to meet at , on , that it etc. etc.; or that it determine otherwise as to its wisdom shall seem best.

The Presbytery appointed Messrs. and to support the overture before the said Synod (*or* General Assembly).

Extracted from the records of the Presbytery by

J. G., *Presbytery Clerk.*

XXI. Form of a Return to an Overture from the General Assembly under the Barrier Act.

Presbytery of

At the day of 19 ; which day the Presbytery of being met and duly constituted.

Inter alia, The Presbytery having considered Overture No. anent[1] transmitted by the last General Assembly, do hereby [2] of the same.

Extracted from the Records of the Presbytery by

P. C.

Remarks.[3]

[1] Name Overture by Title in Acts of Assembly.
[2] Insert simply the word "Approve" or "Disapprove."
[3] Remarks or suggestions to be considered by the Assembly, or any of its Committees in charge of the Subject to which Overture refers, may be added here.

XXII. Form of Return to a Remit from the General Assembly not under the Barrier Act.

Return not under Barrier Act.

At the day of 19 ; which day the Presbytery of being met and duly constituted.

Inter alia, The Presbytery took into consideration the Remit of last General Assembly on the subject of , and the Presbytery find that, etc. etc. (*whatever their opinion may be, and however qualified*).

Extracted, etc., by

Presbytery Clerk.

INDEX.

PAGE

Access to Church Courts, . . 12, 100
Act, The Barrier, ... 177
Acts of Assembly--Description of—
 Declaratory, ... 75, 103
 Interim, ... 75, 102
 Legislative, ... 75, 102
Acts important for Information, . 177
 See also "United Free Church."
Administration of Temporal Affairs, . 14
Admission and Oversight of Students, 36-38
Admission—
 Of Congregation, ... 56
 Of Members, ... 6
 Questions suggested for, . . . 263
 Of Minister and Congregation, . . 56
 Of Ministers and Probationers, . 61, 268
Admonition, ... 79
Adviser in Cases of Discipline, . 86, 87
Aged and Infirm Ministers Fund, . 51, 62
 Committee on, ... 170
Appeal. *See* "Protest and Appeal."
Appeals to Civil Courts forbidden, 76, 81, 105
Assembly. *See* "General Assembly."
Assembly Arrangements Committee, 78, 170
Assembly Collections, . . . 17, 63
Assessors—
 Assembly's Committee of, . . 95
 In Presbyteries, ... 29
 In Sessions, ... 88
Assistants, Ministerial, ... 62

Baptism, Dispensation of, . . 4, 5
Barrier Act, ... 177
Basis of Union (1847), ... 198
Bills, Committee on—In the Assembly, 74
 In Synods, ... 68, 69
Buildings, Sale or Transference of, . 63
 Use of Church, ... 8, 17, 20

Call by Congregation furth of United Kingdom, ... 42
Call—
 Concurrence in, ... 44
 Dissents from, . . . 44, 45, 48
 Moderation in, ... 43
 Application for, ... 43
 Commissioners in, . . 42, 43
 Decision on, ... 43
 Minutes of Congregational Meeting produced, ... 42
 Procedure in, ... 43, 44
 Powers of Commission in, . . . 48
 Signing of, ... 44, 45
 Sustaining of, . . . 44, 45, 48
 Appeal against, ... 44
 Objections to, ... 44, 45
 To a Principal or Professor, . . 48
 To Minister furth of Scotland, . . 48

PAGE

Call—
 To Minister in a Charge, . . 46-48
 Commissioners in, . . . 46, 47
 Form of Intimation of, . . . 267
 Who are eligible, ... 39
 Forms of, ... 265
 Forms connected with, . . . 266
Catechism, Shorter, Act approving, . 178
Catechisms, Larger and Shorter, . . 122
Catechists, ... 53
Causes, Procedure in, . . . 105-108
 Taken direct to the Assembly . . 105
Censures. *See* "Discipline."
Certificates—
 Of Disjunction from Congregation, . 6, 7
 Of Elder—
 As Member of Presbytery and Synod, 13
 As Member of Assembly, . . 65
 Forms of, ... 263, 269, 271
Church and Manse Building Committee, 166
Church Buildings, Use of, . . 8, 17, 20
Church Courts, Access to, . . 12, 100
Church Extension and Home Mission Committee, . . . 52, 53, 166
Church Officer, . . . 15, 17, 20
Church Standards, ... 79
Civil Courts, Appeals to forbidden, 76, 81, 105
Claim, Declaration, and Protest (1842) 181
Colleague and Successor—
 Application for, ... 51, 62
 Apportionment of Duties, . . . 51
 Report to Sustentation and Augmentation Funds Committee, . . 52
Collections, Assembly, . . . 17, 63
 Sabbath, ... 17
College Boards (Local), ... 211
College Committee—
 Duties in relation to Professors, 57, 94
 Duties in relation to Students, . 36-39
 Powers and Duties in general, . . 169
Colonial Committee, ... 167
Commission of Assembly— .
 Business of, ... 77
 Chairman of, ... 77
 Clerks of, ... 77
 Decisions Final, ... 78
 Membership of, ... 77
 Pro re natâ Meetings of, . . . 78
 Quorum of, ... 77
 Stated Meetings of, ... 77
Committee of Management. *See* "Management."
Committees of Assembly, Standing—
 Duties and Regulations, . . . 165
 List of, ... 77
 Membership of, ... 165
 Mode of appointment, . . 163-165
 Temporary and Occasional, . . 175

PAGE

Confession of Faith—
Act approving, ... 177
Declaratory Acts anent—
Of Free Church of Scotland, . 180, 181
Of United Presbyterian Church, . 179
Congregation—
Admission of, ... 56
Dissolution of, ... 55
Members of, ... 25
Relation of Young to, ... 25
Congregational Meetings—
For Ecclesiastical purposes, . . 25
By whom called and conducted, . 26
How called, ... 26
Regulations anent, ... 26
For Temporal Purposes, . . 26, 27
Annual, ... 26, 27
Special, ... 26, 27
Members may dissent from Decisions of, ... 26, 27, 105
Congregational Board, . . . 21, 22
Congregational Societies, . . . 7
Congregations in Unsatisfactory State—
Procedure by Presbytery, . . 60, 61
Cases of Discipline excluded, . . 61
Congregations, New, . . 27, 28, 55, 63
Vacant, ... 39
Exhortation to be read in, . 40, 264
Interim Moderator in, . 39, 40, 42
Intimation of Vacancy, . . . 39
Visitation of—
Quinquennial, ... 58, 59
Reported to Synod, . . . 59
Special, ... 59
Constitution of Congregation for Temporal Affairs, ... 22, 23
Continental Committee, . . . 168
Contumacy and Divisive Courses, . . 94

Deacons—
Elder as Deacon, ... 17
Election and Ordination of, . 12, 14
Record of Proceedings in, . . 12
May appoint Collectors, . . . 17
Tenure of Office, ... 14
Deacons' Court—
Adjournment of, ... 16
Appointment, Dismissal, and Payment of Officials, ... 17
Attends to Collections, . . . 17
Care of Church Buildings, . . . 17
Care of Poor, ... 16, 18
Chairman of, ... 14, 15
Church Officer appointed by, . . 15
Clerk of, ... 15
Constitution of, ... 14
Dissent from Decisions of, . . . 18
Entitled to Extracts from Minutes of Session, ... 17
Letting and Allocation of Sittings and Pews, ... 17
Management of Property and Temporal Affairs, ... 16
Meetings of, ... 15
Meetings Private, ... 16
Minutes of, ... 16
Mode of Convening, ... 15
No Spiritual Jurisdiction, . . 16, 17
Opening and Closing of, . . . 16

PAGE

Deacons' Court—
Powers and Functions of, . . . 16
Quorum of, ... 15
Record of, submitted to Presbytery, ... 18, 57, 58
Report of, and Accounts, submitted to Congregation, ... 18
To furnish Extracts to Parties concerned, ... 18
Treasurers of, ... 15
Use of Church Buildings, . . . 17
Declaratory Acts of Assembly, . 75, 103
Deposition, ... 80
Discipline—
Action barred by Lapse of Time, . 82
Advisers in cases of, ... 86
Position, Rights, and Duties of, 86, 87
Appeals and Complaints anent, 80, 82, 84, 85
Case originating in the General Assembly, ... 95
Censures, ... 79, 80
Conference with Person concerned, . 81
Confession, how dealt with, . . 82
Confession involving Others, . . 85
Courts of Review in Cases of, . . 95
Discretionary Power, ... 86
Duty of Person making Complaint or Allegation, ... 81
Ends of, ... 79
Formal Inquiry—*See* "Formal Inquiry."
Forms in Cases of, ... 271
Fugitives from, ... 99
Functions of Primary Courts in, . 81
Ground of, ... 79
In the Case of Ministers, Elders, and Probationers, ... 88-94
In the Case of Members, . . . 87
In the Case of Professors, . . 94, 95
Investigation when other Parties involved, ... 85
Nature of, ... 79
Personal Offence, ... 82
Procedure by Libel. *See* "Libel."
In Court of Appeal, . . . 95
In Primary Courts, ... 81
Primary Courts of, ... 80
Reference to Superior Court, . . 86
Standards of Faith and Conduct, . 79
Subjects of, ... 79
Disjunction, Certificates of, . . . 6, 7
Form of, ... 263
Dissent and Complaint, 4, 18, 48, 80, 82, 84, 85, 104, 107
Answers to Reasons of, . . . 104
Disposal of, ... 107
Hearing Parties in, ... 107
Interim Orders in Cases of, . . 104
Questions to Parties, ... 107
Reasons of, ... 104
Dissent in Calls, . . . 44, 45, 48
Dissent, Simple—
Gives no right to be heard, . . 108
Reasons of, ... 108
Regulations anent, 2, 4, 16, 18, 26, 34, 36, 108
Who may dissent, . . . 36, 108
Distribution and Employment of Probationers, Committee on, . . . 172
Documents and Acts referred to in Manual, ... 181

PAGE

EDUCATION Committee, ... 169
Elders—
Additional Duties where there are no Deacons, ... 8
Admission to Office, . . . 1, 12
Commissions to Presbytery and Synod, 29
Form of, ... 269
Districts of, ... 6
Election of, ... 9
Intimation of Meeting for, . . 9
Mode of, ... 9
May act as Deacons, ... 17
Number of, ... 1
Ordination of, ... 12
Edict for, ... 11, 263
Objections to, ... 11
Qualifications of, ... 11
Tenure of Office, ... 1
Who have Jurisdiction over, . 1, 89
Who may be chosen, ... 9
Election of Minister. *See* "Minister."
Evidence, Questions of, ... 210
Shorthand Writer may take down, . 84
Excommunication, ... 80
Exhortation to be read in Vacant Charges, 40, 264
Extracts from Minutes, 4, 17, 18, 36, 73, 104
Specimens of, ... 261

FAITH and Conduct, Standards of, . 79
Fama—
Affecting a Church Member, . . 81
Affecting a Minister, Elder, or Probationer, ... 88
Discharge from Official Duties, . 90
Formal Inquiry anent, . . . 90
Has Access to Documents and Productions, ... 90
Preliminary Inquiry anent, . . 89
Restoration to Office, . . 98, 99
Statement of Matter for Formal Inquiry, ... 90
Suspension from Office, . . . 80
Affecting a Professor, ... 94
Finance Committee, ... 171
Foreign Missions—
Committee on, ... 166
Support of, ... 8, 18
Women's, ... 175
Form of Certificate of Disjunction. *See* "Disjunction."
Formal Inquiry—
Censure in, . . . 84, 88, 91
Citation, ... 83, 90
Findings in, . . . 84, 85, 88, 91
List of Witnesses, ... 90
May be conducted by Committee, 90, 91
Procedure in, ... 82-91
Service of Notice to Institute, . . 83
Statement of Matter for, . . 89, 90
Forms of, ... 271, 272
Objections to sufficiency of, . . 89
Service of, ... 90
Forms, ... 263
Formula. *See* "Questions and Formula."
Fugitives from Discipline, . . . 99
Functions of—
Deacons' Courts, ... 16
Kirk-Sessions, ... 4
Presbyteries, ... 36

PAGE

Functions of—
Synods, ... 70
The General Assembly, . . . 74

General Assembly—
An open Court, ... 74
Appeals and Complaints, Procedure in, 75
Appeals to Civil Courts excluded, . 76
Business Committee, ... 74
Clerks, ... 73
Commission of the, ... 77
See also "Commission."
Commissions and Certificates of Members, ... 65, 72
Forms of, ... 270
Committees of, . . . 74, 76, 165
Committees on Bills and Overtures, . 74
Corresponding Members, . . . 72
Date and Place of Meeting, . . 73
Decisions Final, ... 76
Dissents, ... 76
Election of Representatives to, . 64, 65
Extracts of Deliverances, . . . 73
Functions of, ... 75
Introduction of Business, . . . 74
Law Agents, ... 73
Legal Advisers, ... 73
Moderator, Election of, . . . 73
Duties of, ... 73
Nobile Officium, ... 76
Number of Representatives, . . 72
Officers, ... 73
Ordinary Business 74
Overture from Members of the House, ... 74, 101
Overtures, Procedure with, . . 75
Under Barrier Act, . 63, 75, 102
Protestations, ... 76
Quorum, ... 74
Remit of Overtures, ... 102
Of Proposals not under Barrier Act, 103
Representation of Mission Councils in, 72
Acts anent, ... 145
Special Commissions, ... 75
Standing Committees of, . . . 165
Duties and Regulations, . . . 165
List of, ... 77
Membership of, ... 165
Mode of Appointment of, . . 165
Standing Orders, . . . 74, 154
General Interests Committee, . 53, 175

HIGHLANDS and Islands Committee, 52, 53, 166
Home Mission and Church Extension Committee, ... 52, 53, 166

INDUCTION of Minister, . . . 49, 50
Of Professor, ... 51
Interim Acts of Assembly, . . 75, 102

JEWISH Mission Committee, . . . 168
Women's, ... 176
Jurisdiction, ... 88, 89

KIRK-SESSION. *See* "Session."

LAW Agents, ... 73
Legal Advisers, ... 73
Legislative Acts of Assembly, . 75, 102

PAGE

Libel—
- Appeal or Complaint against Resolution to Serve, ... 93
- Form of, ... 92, 274, 275
- Forms connected with, . . 275, 276
- Hearing of Parties, ... 93
- Procedure in taking Evidence, . . 93
- Prosecutors, ... 92
- Questions to Parties, ... 93
- Relevancy (*a*) when Presbytery prosecutes, . . 92, 93
 - (*b*) when Prosecutors appointed, . . . 92
- Revisal and Adjustment, . . . 92
- Service, Citation, Adviser, etc., . 92, 93
- Who may demand, ... 92

Licence of Students, ... 38
- Declaration of, ... 38, 115

Licentiates, Oversight of, . . . 38
Lord's Supper, Dispensation of, . . 4, 5

MANAGEMENT—
- Change of Method of, . . . 23, 24

Management Committee of, . . . 19
- Cannot bond Property, . . . 21
- Chairman of, ... 19
- Clerk of, ... 19
- Election of, ... 19
- Has no Spiritual Jurisdiction, . . 21
- May call Special Meetings of Congregation, ... 21
- Meetings and Procedure, . . . 20
- Minute-book of, ... 19
 - May be called for by Presbytery, . 58
- Number of Members, ... 19
- Powers and Functions, . . . 20
- Report of, to Congregation, . . 21
- Retiral and Removal from, . . 19
- Treasurer of, ... 19, 20
- Use of Church Buildings, . . 20, 21

Mandate to sign a Call, Form of, . . 266
- When it may be used, . . . 44

Members of Congregation—
- Admission of, ... 6, 263
- Definition of, ... 25
- Duties of, ... 25
- Rights of, ... 25
- Roll of, ... 5
 - Revision of, ... 5

Memorial—
- Definition of, ... 100
- Documents accompanying, . . . 101
- Procedure with, ... 106
- Transmission of, ... 100

Minister—
- Admission of, ... 61
- Election of, ... 40
 - Adjustment of Financial Arrangements, ... 40
 - Attested Roll of Members, . . 41
 - Procedure in, ... 40-42
 - Voting in, ... 42
 - Who are Eligible, ... 39
- Induction of, ... 49, 50
- Moderator of Session, ... 1
- Translation of, ... 46
 - When loosed from Charge, . . 42
- Use of Church Premises by, . . 8
- Who have Jurisdiction over, . 1, 88

PAGE

Minister *emeritus*—
- Status of, ... 52
- Who have Jurisdiction over, . 88, 89

Minister, Elder or Probationer—
- In case of Allegation or *Fama* against, 88-94

Minutes, Review of, 12, 18, 57, 58, 68, 69, 70
- Specimen of (*a*) Deacons' Court, . . 246
- ,, (*b*) Presbytery, . . 247
- ,, (*c*) Session, . . . 240
- ,, (*d*) in Cases of Discipline, 252

Mission Councils—
- Representation of, in the Assembly, . 72
- Acts anent, ... 145-147

Mission Stations, Sealing Ordinances in, 8
Mission Work, Duties of Session anent, 8
Missionary, Ordination of, . . . 50
Missionary Assistant, ... 63
Missionary Contributions, . . . 8
Missionary Record, Circulation of, . 8
Model Trust Deeds, . . 213, 221, 231
Moderation in a Call. *See* "Call."

NOMINATION Committee, . . . 174

OATH of Witness, ... 83, 274
Occasional Committees, Temporary and, 175
Offence, Personal, ... 82
Ordained Preachers, . . . 52, 53
Ordination—
- Objections to, ... 12, 49
- Procedure at, . . . 12, 49, 50
- Trials of Probationer for, . . . 48

Ordination and Admission—
- Of Deacons, ... 12
 - Record of, ... 12
- Of Elders, ... 12
 - Edict for, ... 11, 263

Ordination and Induction—
- Of Minister, ... 49
 - Declaration of, ... 50
 - Edict for, ... 49, 267
- Of Professor, ... 51, 118

Ordination of Missionary, . . . 50
- Declaration of, ... 118
- Edict for, ... 268

Overture to Synod or Assembly, . . 101
- Form of, , ... 277
- Support of, . . . 75, 101, 105
- Who may overture, ... 101

Overtures, Committees on, . 68, 69, 74
Overtures under Barrier Act—
- Procedure in Presbyteries, . . . 63
- Procedure, majority approving, . . 102
- Procedure, majority not approving, . 102
- Returns to, ... 63
 - Form of, ... 277
- Sent down to Presbyteries, . . 75
- Sessions to be consulted, . . . 63

PARLIAMENT, Extracts from Acts of, . 233
Parties in Causes—
- Procedure should be explained to, 86, 104
- Right of, to Extracts, . . . 4, 18, 36

Personal Offence, ... 82
Petition—
- Definition of, ... 100
- Documents accompanying, . . . 101
- Forms of, ... 276
- Procedure with, . . . 75, 101, 105
- Transmission of, ... 100

PAGE
Place of Worship, new or rebuilt, . . 55
Poor, Care of, ... 8, 16, 18
Praise, Leader of, . . 4, 17, 26, 201, 202
Preachers, Ordained, ... 52
Preaching Stations—
Formation of, ... 54
Notice to Neighbouring Sessions, . 54
Sessions in, ... 2, 54
Preamble to Questions and Formula, 114, 121
Acts referred to in, . . . 177-181
Documents referred to in, . . 181-199
Precentor. *See* "Praise."
Presbyterial Committee on Young Persons removing, ... 7
Presbyterial Supervision of Sessions, Deacons' Courts, and Managers, 12, 18, 57, 58
Presbytery, The—
Admission of Congregations, . . 56
Admission of Minister and Congregation, ... 56
Admission of Ministers and Probationers, ... 61, 268
Admission and Oversight of Students of Theology, ... 36-38
An Open Court, ... 36
Appointment of Fasts and Thanksgivings, ... 56
Appointment of Next Meeting, . . 31
Appointment of Special Collections, . 56
As a Court of Discipline, . 81-87, 88-95
Assessors, ... 29
Calling of Meetings, ... 31
Calls, Procedure in. *See* "Calls."
Clerks, ... 30
Commissions of Elders called for, . 34
Committee of Whole House, . . 34
Committees, ... 34
Conference of, ... 34
Corresponding Members, . . . 30
Designation and Bounds, . . 29, 61
Formation of, ... 29
In hunc effectum Meeting, . . . 31
Intimation of Decisions, . . . 36
Lapse and Resuscitation of, . . 32
May Assess Congregations, . . 31
Meetings and Procedure, . . . 31
Members of, ... 29
Moderator, ... 30
Motions, ... 34
Officer, ... 31
Opening, Closing, Sederunt, Minutes, 32-34
Order of Business, ... 34
Ordinary Meetings, ... 31
Oversight of Vacant Congregations, . 39
Place of Meeting, ... 31
Powers and Functions, . . . 36
Procedure at Ordinations and Inductions, ... 49
Procedure in Calls. *See* "Calls."
Pro re natâ Meeting, ... 32
Quorum, ... 31
Records submitted to Synod, 61, 69, 70
Relation to other Presbyteries, . . 56
Representatives to General Assembly, Election of, ... 64
Commissions to, ... 65
Forms of, ... 270
Restrictions on Time of Meeting, . 31
Returns to Overtures, . . . 63

PAGE
Presbytery, The—
Review of Communion Rolls, . 5, 57
Of Records, . . . 12, 57, 58
Rules of Debate, ... 35
Voting, ... 35, 36
Probationers—
Admission of, ... 61
Appointment of, to Vacancies, . 40, 43
Committee on, ... 172
Rules anent Appointments, . . 172
Trials for Ordination, . . 48, 49
Who have Jurisdiction over, . . 89
Procedure in Appeals and Complaints, . 103
Primary Courts of Discipline. *See* "Discipline."
Should be explained to Parties, . 86, 104
Sisting of, . . . 44, 82, 85, 93, 104
Professors—
Discipline in the Case of . . . 94
Relation of College Committee to, . 94
Relation of Presbytery to, . . 94
Induction of, ... 51
Property, Acts anent, ... 213
Sales and Transference of, . . . 238
Abstract of School Properties Act, 1878, ... 238
Protest and Appeal. *See* "Dissent and Complaint."
Protest by Commissioners to the General Assembly, 1843, ... 195
Protestations in General Assembly . 76
Publications and Records Committee, . 172

QUESTIONS AND FORMULA—
Acts anent, ... 114, 178
At Licence, ... 38, 114
At Ordination of Deacons, . . 12, 121
At Ordination of Elders, . . 12, 120
At Ordination or Induction of a Minister, ... 49, 115
At Ordination or Induction of a Missionary, ... 117
At Ordination or Induction of a Professor, ... 118
Questions concerning Applicant for Admission—Minister or Probationer, . 269
Questions suggested for use at Admission of Members, ... 263

REBUKE, ... 79
Reference—
Commissioners in, ... 103
For Advice, ... 103
In a Case of Discipline, . . . 86
Procedure in, ... 106
Simpliciter, ... 103
Relevancy. *See* "Libel."
Removal under Suspension—
(*a*) of Minister or Probationer, . 96
(*b*) of Church Member, . . . 96
While a Case of Discipline is depending, ... 88
Representatives to General Assembly, Election of, ... 64 65
Restoration of deposed Minister, . . 99
Restoration to full Communion . . 97
To Office, ... 97, 98
Who may restore, . . . 97, 99
Review, Presbyterial, . . 12, 18, 57
Roll of Members of Congregation, 5, 41

PAGE

Sabbath-Schools, ... 7
Sacraments, Dispensation of, . . 4, 5
Sales and Transference of Property, . 238
Schemes of the Church, Collections for, ... 8, 17
School Properties Act, 1878, . . . 238
Session, The—
Adjournment of, ... 3
Admits to Church Membership, . . 6
Appoints Collections, ... 4
Assessors in 88
Care of Young, ... 7
Clerk of, ... 2
Conduct of Public Worship, . . 4
Constitution of, ... 1
Convening of, ... 2
Court of Discipline, . . . 81-88
Disjunction of Members by, . . 6, 7
Dispensation of Sacraments, . . 4, 5
Formal Inquiry by, . . . 87, 88
Meetings and Procedure, . . . 2
Meetings private, ... 4
Minutes, ... 3
Moderator, ... 1
Duties of, ... 1
Interim, ... 1
Pro tempore, ... 1
Officer, ... 2
Opening and Closing of, . . . 3
Oversight of Church Members, . . 5
Powers and Functions, . . . 4
Quorum of, ... 2
Relation to other Sessions, . . 4
Relation to Superior Courts, . . 12
Representation of, in Presbytery and Synod, ... 13, 29
Review of Proceedings of, . . . 12, 57
Revision of Communion Roll, . 5, 6, 41
Sederunt, ... 3
Supervision of Congregational Societies, ... 7
Treasurer, ... 2
Young Persons leaving, . . . 7
Shorthand Writer may take down Evidence, ... 84
Statutory Declaration by, . . . 274
Societies, Congregational, . . . 7
Specimen Minutes. *See* "Minutes."
Standards of Faith and Conduct, . . 79
Standing Orders of General Assembly . 154
Strangers' Committee, ... 7
Student Missionary, ... 63
Students, Admission of, . . . 36
Licence of, ... 38
Oversight of, by Presbyteries, . 36-38
Supervision under Suspension—
(*a*) of Elder or Deacon, . . . 96
(*b*) of Minister, ... 96
Supplement of Stipend (Congregational), ... 18
Suspension from Membership, . . 80
From Office, ... 80
Suspension of Minister for a specified period, ... 97, 98
Sustentation and Augmentation Funds, 40, 52
Committee on, ... 165
Sustentation Fund—
Congregational Treasurer for, . . 15
Duties of Deacons Court anent, . . 17

PAGE

Synod, The Provincial—
Business Committee, . . . 68, 69
Clerks, ... 67
Committee of Bills and Overtures, . 68
Corresponding Members, . . 66, 70
Decisions in certain Causes final, . 70
Elders' Commissions to, . . . 66
Examination of Presbytery Records, 68, 69
In hunc effectum Meeting, . . . 67
May assess Congregations, . . . 67
Meetings and Procedure, . . . 67
Membership, ... 66
Minutes, ... 68
Moderator, ... 66
Name and Bounds of, ... 66
Officer, ... 67
Opening and Closing, . . . 68
Order of Business, . . . 69, 70
Ordinary Meeting, ... 67
Places of Meeting, ... 67
Powers and Functions, . . . 70
Pro re natâ Meeting, ... 67
Quorum, ... 68
Records transmitted to Assembly, . 70
Roll adjusted, ... 68
Transmission of Papers to . . . 69
Dissents anent, ... 69

Temporal Affairs, Administration of, . 14
Temporary and Occasional Committees, 175
Title-Deeds, ... 23, 27, 28
Trust Deed (Model)—
Of Free Church, ... 213
Of Reformed Presbyterian Church, . 231
Of United Presbyterian Church, . 221
Trustees, Act appointing, . . . 236

Union (1847), Basis of, . . . 198
United Free Church—
Acts of General Assembly anent—
Appointment of Trustees, . . . 236
Assembly Expenses, ... 147
Colleagues and Successors, . . . 148
Collecting Books. 150
Election of Members of Assembly, . 144
Ministers and Licentiates returning, . 152
Plan of Union, ... 122
Procedure in Cases of Insanity, . . 151
Questions and Formula, . . . 114
Representation of Mission Councils, . 145
Representative Elders in Presbytery, . 150
Retiring Allowances, ... 152
Schedule of Statistics, . . . 148
Time of Election of Presbytery Elders, 148
Union (Declarations), ... 121
Uniting Act, The, 1900, . . . 111
Uniting Act, 1876, ... 199
Use of Church Buildings, . . 8, 17, 20

Vacant Congregations. *See* 'Congregations."
Vote, Mode of Taking—
In Church Courts, . 35, 36, 159-161
In Elections of Ministers, . . . 42

Widows and Orphans Fund, . . 202
Witness, Oath of, ... 83, 274

PAGE
Women's Foreign Mission, . . . 175
Jewish Mission, ... 176
Worship, Care of Place of, . . 17, 20
Use of Place of, ... 8, 17, 20
Worship, Public, Regulation of, . . 4

PAGE
YOUNG, Care of, ... 7
Young Persons removing, . . . 7
Presbyterial Committee anent, . . 7
Youth of the Church, Committee on, . 168

Printed by T. and A. CONSTABLE, Printers to His Majesty
at the Edinburgh University Press

THEOLOGY LIBRARY
CLAREMONT, CALIF.

BX
9089
Z5
M3

United Free Church of Scotland.
Manual of practice and procedure in the United Free Church of Scotland; prepared by a committee of the General Assembly and published by authority of the Assembly. Edinburgh, Offices of the United Free Church, 1905.
viii, 284p. 23cm.

1. United Free Church of Scotland--Government. 2. United Free Church of Scotland--Discipline. I. United Free Church of Scotland. General Assembly. II. Title.

CCSC/mmb

A023619